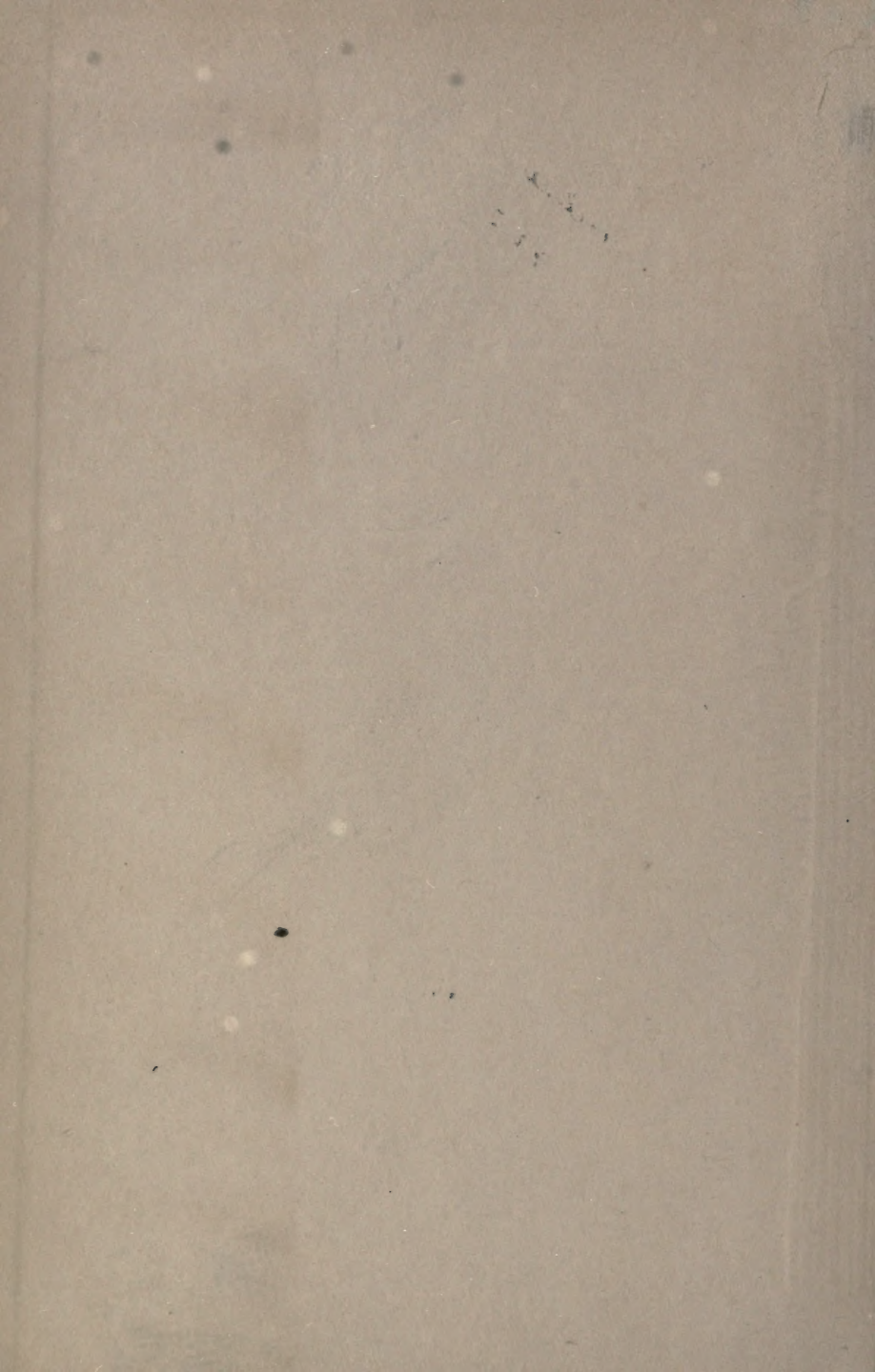
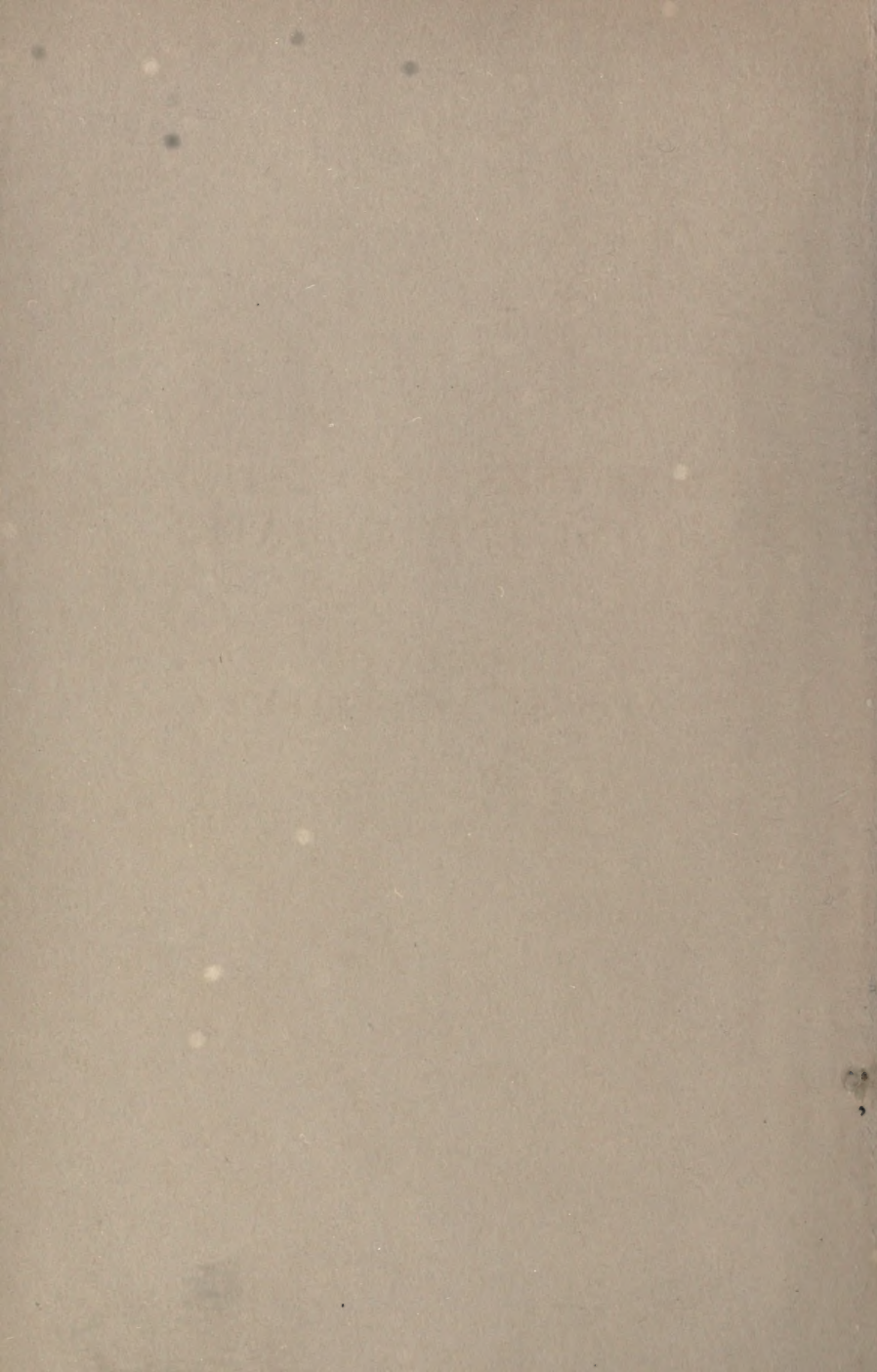




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Lucille B. Nielsen
June, 1923 -



**EMPLOYERS' ASSOCIATIONS IN
THE UNITED STATES**

**A STUDY OF
TYPICAL ASSOCIATIONS**



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EMPLOYERS' ASSOCIATIONS IN THE UNITED STATES:

A Study of Typical Associations

BY
Imore
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Professor of Economics
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1922

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EMPLOYERS ASSOCIATION IN
THE UNITED STATES
A Study of Labor Relations
BY
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PREFACE

THE justification for the appearance of this book must be found in the need for a treatise on employers' associations. Books on trade unions exist in abundance, but no book heretofore has confined itself to a discussion of employers' associations in the United States, or, for that matter, in any English-speaking country. Some of the books on trade unions, labor problems, and industrial relations have given a very brief treatment of the subject as incidental to an understanding of unionism. These brief treatments, however, have frequently been misleading, both as to the importance and character of the association movement.

As to the gross neglect of the subject, an illustration of the situation will suffice at this point. If one were to consult the card catalogues of the chief libraries of the United States, such as the author has done, (e. g., the Congressional Library, the John Crerar Library, and the Library of the University of Chicago) he would probably find at this date that there was no text on the subject in English, and that the references were very meager indeed. Let him consult the references listed under trade unions, and the contrast will be marked. Of the two great rival forces, can the one be of such over-shadowing importance compared with the other? Does the relative social significance of trade unions and employers' associations justify such discrimination?

The association movement has been too important, has had too profound an effect upon American institutions, has been of too great social significance to have deserved thus to be passed by almost unnoted. As this book attempts to

demonstrate, the association movement is of great significance to the student of: (1) *business organization and management*, as the associations are not only a type of business organization, but are also the most powerful organizations in the business and industrial world; (2) *trade unionism*, because they have been the defensive and offensive organizations which have markedly affected the form and activities of the trade unions; (3) *political science*, because they have had and still have a profound effect upon governmental institutions; (4) *revolutionary movements*, because the associations are the alert enemy of radicals and revolutionists; (5) *sociology generally*, as the associations are formal groups which exercise a noteworthy degree of social control, and they with the unions furnish one of the best of illustrations of how a conflict between two lesser groups threatens a serious modification or the destruction of the larger group; (6) *economics*, and especially *industrial relations*, because the associations are fundamentally economic institutions, and have been potent factors in shaping and maintaining the present industrial system, as well as in influencing wages, hours and working conditions.

The book should prove to be indispensable to the association leader who desires to learn immediately how other associations than his own are organized and function.

Ignorance as to the existence of employers' associations seems to be much more general than on any other subject of equal importance. Far less is known of their nature by the vast majority of our people than is known about labor unions and similar movements. Many employers who know of the existence of an association in their field of business, are unacquainted with the real nature of the organization, and remain so until a strike or other labor difficulty causes them to appeal for help.¹ Members not infrequently have little knowledge of their own association. Mr. O. P. Briggs,

Honorary Member of the Administrative Council and Ex-President of the National Founders' Association, has complained thus about the situation: "To me the surprising feature of this is that so few proprietors outside your own membership appreciate what your association has accomplished."² Withdrawals usually indicate a lack of appreciation on the part of former members. A man so well informed in the field of business as Mr. Pierre N. Beringer, while Associate Editor, *Daily Commercial News*, San Francisco, and Editor, *National Prosperity Publicity Bureau*, New York, has said, "The terrible or beneficent industrial war, that is always going on in times of so-called peace, is a necessary part of our evolution. It is carried on in this country by two elements, *capital* and *labor*; the first powerful and *unorganized*, the second powerful and *organized*."³ Mr. Beringer, while recognizing the existence of the conflict, appears to be partially informed on the real character of the conflict, and in regard to one of the organized contestants, namely the employers' associations. Intent on the part of associations and oversight on the part of individuals who know, have caused associations rarely to receive credit for their great accomplishments. For specific cases where intent is shown, we may take the accounts of the general establishment of the open shop in Providence, Rhode Island, and Dayton, Ohio, as given in *American Industries*,⁴ May 1, and July 1, 1909. No mention was made of the association or associations which wrought the change. Perhaps this situation partly explains why officers and members of the unions lack much detailed information on the subject.

The terminology employed in this book is generally that used in the literature of the associations. To have made up a new terminology would have served no useful purpose, and to have attempted to translate or explain all the numer-

ous quotations given, in the terminology of the unions would have added greatly to the text, or to the task of the reader, or have made the book take on a confused viewpoint. The book in its present form and terminology, is a serious attempt to approach the problem from the standpoint of the general public. Had the general public a terminology, that would have been used, but as a choice between association and union terms had to be made, the author, after due consideration, chose the former. The use of the terminology carries with it, in this case, neither approval nor disapproval.

After a ten-years' study of the subject of employers' associations, the author deems that the time is most opportune for the appearance of the book. Recent developments among both the trade unions and the employers' associations are assuming more and more a nation-wide, if not a world-wide significance. There are, for instance, more than 5,000,000 organized workers in the United States,— what is to prevent them from seizing control of the government and industries of the country, should they once decide on such a program? Is there no concentration of forces to oppose such a movement, once it starts? That a counter-acting movement exists and is growing rapidly, is one of the facts set forth in the following pages. Even at this writing, open-shop federations are endeavoring to co-ordinate all the existing local open-shop organizations of the country and to form new ones where none now exists. A *current analysis* of a developing situation, made as accurate as conditions will allow, is of far more value in a practical world, than a *post-mortem discussion*.

The sources of information of this book are: (1) numerous interviews with association leaders; (2) letters from the associations on specific subjects; (3) the printed literature of the associations, some of which is not for general distribution; (4) public documents, such as committee hearings where the representatives of the associations presented

certain information; and (5) trade publications, and other literature of a similar and diverse character.

It is by no means an easy matter to secure all, or even a large portion of the printed literature issued by any association. But once it is secured, there is little that one might desire to know about the association that cannot be found by an extensive and careful research therein. In the first drafts of this book, many references were made to interviews, but subsequent research has enabled the author to supplant practically every one of these with a reference to a printed page or combination of printed pages. Obviously, the latter form of reference is more desirable to any student who cares to pursue a topic further than it is treated in this book. But it must not be assumed that, because the references are mainly to the printed literature, it is the only or even the real source of information. In fact, some of the most valuable printed literature was obtained only after the author had convinced the association leaders that he was acquainted with the situation.

The author must acknowledge the help that he has received from three groups: (1) the association leaders who have furnished him with much of the information, and without which the book would not have been possible; (2) those who read the book in manuscript form, and gave him the benefit of valuable suggestions, criticisms, and encouragement; (3) others who furnished him with literature, information and suggestions.

To the leaders of the associations discussed in this book, acknowledgment is made for the literature and information used herein, and for their criticisms of the chapter dealing with their association. Every chapter but the *Introduction* and the *Summary and Conclusions*, has been read by the associations concerned. Some have merely stated that the information given in the chapter is correct; others have pointed out slight errors in the matter dealing with the pres-

ent situation; while others have suggested valuable additions. One protested against the publication of its chapter, although it did not point out an error in statement of facts. The book is, accordingly, as accurate as it could be made up to the time it went to press in the latter part of 1921.

Acknowledgment is also made to those who read the manuscript at some stage of its preparation. Among those are Professor H. A. Millis, Professor James A. Field, and other members of the Department of Political Economy of the University of Chicago, and Professor William Z. Ripley of Harvard University. Professor Millis, in the midst of many pressing duties, read the manuscript at various stages of its development, and gave suggestions and criticisms at each reading. Professor Ripley is remembered for his kind words of encouragement as well as his suggestions for the improvement of the manuscript, all of which have been incorporated in the text.

To the late Professor Hoxie of the University of Chicago, the author is especially indebted for the suggestion of the need for a study of this sort. Professor Hoxie had read an early draft of the manuscript, but his heavy duties and subsequent illness, prevented him from giving the author the benefit of any detailed criticisms. To John C. Kennedy also thanks must be given for his kindness in relinquishing his prior claims to a study of the subject, along with printed literature which he had collected on some phases of the study. To others whose help has not been so vital or extensive—and they are many—the author makes acknowledgment without naming them.

¹ Synopsis of the Proceedings of the Sixteenth Annual Convention, National Metal Trades Association, p. 30; My '15 *Review* of the National Founders' Association, p. 205. ² D '11 *Review*, p. 16.

³ N '14 *American Industries*, p. 13.

⁴ My (1) '09 *American Industries*, p. 14; J1 (1) '09 *American Industries*, p. 11; See also issues for N (1) '09, pp. 28-29; N (15) '09, p. 18; and D '09 *Review*, p. 15.

ADDRESSES

Of the Associations Discussed at Length in the Following
Pages:

- The Stove Founders' National Defense Association, 826 Connell Building, Scranton, Pennsylvania.
- The National Founders' Association, Room 716, 29 South La Salle Street, Chicago, Illinois.
- The National Metal Trades Association, 1021-1023 Peoples Gas Building, Chicago, Illinois.
- The National Erectors' Association, 286 Fifth Avenue, New York City.
- The Building Trades Employers' Association of New York City, 30-34 West 33rd Street, New York City.
- The Building Construction Employers' Association, 807-810 Chamber of Commerce Building, Chicago, Illinois.
- The American Newspaper Publishers' Association, 905 World Building, New York City; The Special Standing Committee of the A. N. P. A., 831-832 Occidental Building, Indianapolis, Indiana.
- The United Typothetae of America, 608 S. Dearborn Street, Chicago; The Open Shop Division, U. T. A., State House Square, Indianapolis, Indiana; The Closed Shop Division, care Western Newspaper Union, Chicago.
- The National Association of Manufacturers, 50 Church Street, New York City; The National Industrial Council, Union Trust Building, Washington, D. C.
- The National Civic Federation, 33rd Floor, Metropolitan Tower, New York City.
- The League for Industrial Rights, 42 Broadway, New York City.
- The National Industrial Conference Board, 10 East 39th Street, New York City.
- The Associated Employers of Indianapolis, 1406 Merchants Bank Building, Indianapolis, Indiana.



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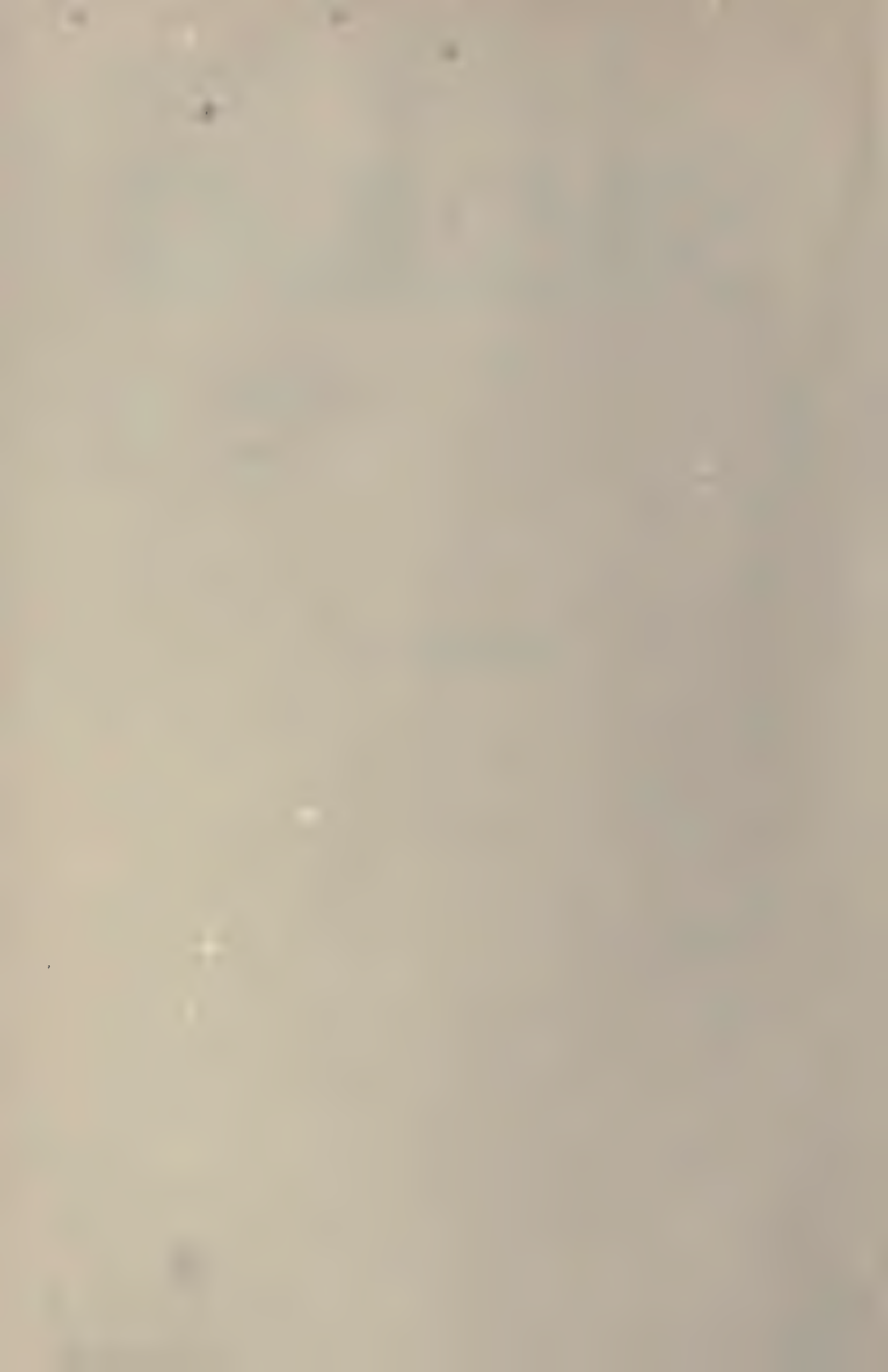
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INTRODUCTION



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CHAPTER I

THE INDUSTRIAL CONFLICT

THE problem of the industrial conflict recurrently portrays itself to the American public largely by means of strikes of national magnitude. While such strikes form only a very small part of the entire series of manifestations, they probably reveal more vividly the struggle than do other no less important encounters, such as contests over legislation or before the courts. So varied are the ramifications of the conflict that it vitally affects most of our social institutions, the press, the church, the school, private property, the courts — in fact, all branches of government, and accordingly, the government itself. No social institution is exempt from influences of the struggle.

The Evolution of the Industrial Conflict is a phase of the development of capitalism. There have always been differences between employer and employee, but these have usually been settled, where the direct personal relation existed, by the parties themselves without the intervention of a third party or of some agency of the government. In

the early days in the United States, the country was mainly agricultural; the farm owner had few employees and he worked with these in person. The plantation owner, of course, had his slaves and his supervisors, but the slave owner had relatively little trouble with his slaves until the abolitionist — an outsider — appeared. In colonial days, industrial disputes occurred only in such industrial centers as New York, Boston, Philadelphia and Baltimore, where shops were to be found in which the employers each had a number of employees, so that there were found groups of employers and of employees in the well developed trades. The personal relationship still existed, but the employer had become a manager rather than a fellow workman with his employees. He associated with other employers rather than with his workmen. His problems began to differ from theirs in certain respects. The employees of one shop mingled with the employees of the other shops, and found that their industrial problems were the same. Wars came on, and with them came diminished products and currency inflation so that prices rose and the cost of living increased. By united action, the employees forced up their wage rates. The employers combined formally, where before they had associated informally, to resist more efficiently the wage advances, or to force a reduction of wages when the inevitable depression came. As the shop grew into a factory, the employer became further removed from his workmen. He became a superintendent of foremen. The foreman dealt with the employment relations. As the factory grew in size, the employer's problems became commercial and financial rather than industrial. He had to give more and more attention to the problem of selling the product of the factory, and to the task of securing funds to finance his operations. His most pressing problems were little understood or appreciated by his workmen. He did not have time at his disposal to listen to the grievances of

each of his workmen individually. If his foreman could not adjust matters, the workman with a grievance was discharged. The foreman was held responsible for results only. Having a bountiful supply of labor at hand through almost unrestricted immigration, he became an autocrat. A too lenient foreman failed to make the showing that arbitrary bosses made, and so was not promoted or was even reduced again to the ranks of the worker,—the worst type of employer is to be found among those who have risen from the ranks of laborers. This situation was further intensified by the growth of the corporation, the owners of which were stockholders in the main far removed from the industrial process. The pressure brought to bear upon the manager was for dividends, and this pressure was transmitted in a more intense form to the foreman until the stress upon the workmen became so great that a feeling of animosity towards the employer class grew out of the employment relation. The exploitation of natural resources gave to the fortunate or shrewd enterpriser an opportunity to acquire great wealth, but the growing disparity in the distribution of wealth, coupled with the oppressive industrial conditions, gave the agitator almost irresistible arguments to urge the workmen to organize. Vast hordes of immigrants made wages low, and the supply of labor was sufficient so that the employer felt no concern over the loss of an individual employee,—the cost of labor turnover was then wholly unappreciated. The employer-manager was forced to listen to grievances of his workmen, only when they suddenly walked out in a body. In the bargaining relation, the foreman, acting under the transmitted pressure of the stockholders for dividends, drove a hard bargain with the workmen. He knew the condition of the labor market, and the imperative needs of the workmen for jobs. If he could not employ a particular applicant for a job, the matter was of no consequence,—plenty of applicants made

him independent. Under such conditions, there were only two things to deter a workman from joining a union when the agitators promised him better working conditions and wages: (1) the fear that he might lose his job if he joined the union, (2) the feeling that he could ill afford to sacrifice a part of his low wages to pay the union dues. Secret membership and low dues usually overcame these objections. So whether he joined the union or not, he co-operated with it in a walkout, probably at the same time telling the manager or foreman that he was satisfied with wages and working conditions, merely as a precautionary measure to secure his old job should the strike fail. The employer-manager, thus deceived, attributed the entire trouble to the agitators, and so made extraordinary efforts to clean his factory of agitators. Co-operating with other employers, either informally or formally, he made war on the agitators, and as a consequence the thoroughgoing agitator soon found himself blacklisted and almost unable to get a job anywhere at his trade. He faced the alternative of seeking another trade and quitting his agitation, or of becoming a professional agitator. To become a professional agitator was the easier and it offered opportunity for revenge upon the employers who had blacklisted him. As a professional, he acquired a knowledge of conditions and a skill that made him superior to the employer in dealing with labor matters. The employers retaliated by securing professional representatives in industrial relations. The employers, already co-operating in a trade association to deal with prices, or trade conditions, readily had that association deal with labor problems, or formed a new organization for this purpose. As the market became nation-wide through improved transportation, the competitive area was widened to that of the nation and national organizations resulted. The unions having to meet nation-wide resistance, in turn became national. Then came the era of super-organization,

and the direction of industrial affairs by financial institutions with the financial viewpoint foremost. Trusts, holding companies, interlocking directorates and other sorts of combinations were the order of the day. The unions also adopted forms of super-organization and combined and federated until the interrelationships became a maze. Combinations of employers even conspired with combinations of workmen for the purpose of monopolizing the particular field in which they operated,—the combined employers utilized the union to crush or force independents to conform to certain standards, to increase charges, rates, or prices; and the employers logically agreed to employ union men exclusively. Obviously such forces have added complexity to the already complex industrial conflict. As a result, some employers would be fighting unions while other employers would be supporting the unions, only in turn to be fought by the first group of employers.

Development of Unions.—Unionism was the natural outgrowth of the conditions hastily sketched above. Except for the double combinations of employers and workmen, practically all the developments in the industrial world tended to separate employers from their workmen and to set them apart into rival groups. Every clash of interest, as time progressed, grew larger in scale and occasionally resulted in a fierce struggle that aroused lasting bitterness. Each group came to regard the other as an enemy to which it would yield nothing except under compulsion. Animosity, once thus aroused, caused the employer, on one hand, to feel that any show of moderation by the workers revealed an element of weakness on their part, and led the workers, on the other hand, to place under suspicion, as subtle attempts to wreck the union, any voluntary grants of better hours, higher wages or bettering of working conditions. Frequently these grants were taken as *prima-facie* evidence that the employer could make ad-

ditional concessions, and so he had other demands to grant or resist. It thus came to pass that the employer generally made concessions only under compulsion by the union or because of fear of the union, and so the workmen reasoned more and more that the union was the only means by which their lot could be bettered. The employer or his association, accordingly, either bargained or fought, sometimes bargained and fought and then bargained again.

In the period up to about 1880, the unions were generally of an ephemeral character,—they lacked permanence largely because of the shifting industrial conditions. Few could weather a long drawn out depression. Union members have been, and generally are still, short-sighted. They regard the union as efficient only when it can obtain an advance in wages or a reduction in hours of labor or a bettering of working conditions or can secure employment for them. During a depression, the union rarely can obtain any of these, and the workman then feels the need for curtailing expenses, so he allows his union membership to lapse. This short-sighted attitude of union members generally has resulted in two things: (1) the union officials want to have something happening in industrial relations so that the union member will feel that the union is alive and active, (2) the union strives to have a full treasury—a war chest—for fighting or for tiding it over depressions. The desire of union officials to stir up matters has made it necessary for the union to have many affiliations with other unions, local, state and national, in order to carry through a program that will enlist the workmen's attention and support. It is mainly to provide permanence and carry through nation-wide programs that the American Federation of Labor has been organized.

The American Federation of Labor.—The membership of the American Federation of Labor, from the stand-

point both of number of members and of their inter-grouping, places it in a dominant position in the labor world. From 1881 to 1893, the American Federation of Labor made a steady but slow growth in membership. It lost slightly from 1894 to 1897. From 1900 to 1904, the Federation made a steady and great gain in members. It suffered considerable loss in 1905, and the gains and losses left the membership below the figures of 1904 until the Balkan War broke out in Europe in 1911. Then the A. F. of L. made great gains, with only a slight loss in 1915, until in 1920, the total membership became approximately 4,500,000.¹ In 1921 the membership was 3,906,528, grouped variously into these interlocking groups: 36,247 local unions, 941 local trade and federal labor unions, 110 national and international unions, 937 city central bodies, 49 state federations, 783 local department councils, and 5 departments.²

The American Federation of Labor is not a simple federation of trade unions; it is rather a complex super-organization of unions of all sorts. For example, a local union may be connected with an international union which is federated with the A. F. of L.; it may be represented on a local building trades council, have delegates to a city federation and to a state federation, each of which is affiliated with the A. F. of L.; and it may be represented in the Building Trades Department of the American Federation of Labor. All of these affiliations are for the purpose of joining forces to carry on the fight in the shop, in the several related trades, in the city, state and nation. In addition, we have inter-allied labor councils to carry on a world-wide struggle.

The A. F. of L. is making great efforts to extend its organization. The great steel strike of 1919 originated with the A. F. of L. as a means of promoting organization. During the year 1918-1919, the Federation had

2,091 organizers, of which 112 were listed, and expended \$165,609.56 for organizing purposes; and in 1919-20, had 125 listed organizers besides the district and volunteer organizers about 2,000 in number, and paid them \$285,584.45; but in 1920-21, had 105 listed organizers and paid them and the volunteer organizers the sum of \$279,605.66.⁸ The suppression of its organizers in some localities has led the A. F. of L. to make bitter complaints against the abridgment of the "right of free speech."⁴

The Constitution of the Federation sets forth in the Preamble as a reason for its being that, "*a struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year, and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit.*"⁵

The objects of the A. F. of L., beyond furthering the formation and closer federation of unions, are, "to aid and assist each other, to aid and encourage the sale of union label goods, and to secure legislation in the interest of the working people and influence public opinion, by peaceful and legal methods, in favor of organized labor."⁶

Its program includes, first of all, "recognition of the union" and trade agreements with a view to increased wages, a shorter workday with at least one day's rest in seven, prevention of industrial accidents (partly by employers' liability laws), and the betterment of working conditions generally. Organized labor seeks to obtain the restricted use or abolition of injunctions in labor disputes, to secure state and federal child-labor laws, to bring about the abolition of the sweat shop, and the contract system on public works. It favors industrial education under public control.⁷ The purpose of its entire program, according to one of its leading representatives, is to give the

workers a high degree of freedom — more control over their own lives both at work and at leisure.⁸

The Changing Issues.— The demand for the “recognition of the union” has recently been given a somewhat wider application, namely, the demand for a voice in the management of the concern through a union representative on the board of directors. No other demand of organized labor so shocks the employing class as this demand.

There has thus come to be a sharp issue over the matter of union representation in the control of the business, mainly for three reasons: (1) Such representation threatens seriously the reduction or sharing of large profits with the union members. (2) The business man revolts against such representation as contrary to all his traditional and legal “*rights*” to operate his business as he sees fit; in fact, he fears that ultimately it will wrest all control from him. (3) The officials of organized labor, as a class, are decidedly superior to the employers as a class in handling labor matters. Not even the specialized labor or employment managers, as a rule, have the knowledge or skill or employ the strategy that the business agents of the unions have in conducting wage negotiations or strikes. The representatives of the employers, with the exception of the officials of the few most successful employers’ associations, appear as novices in contrast with the union officials in arbitration or conciliation proceedings. The issue is becoming more and more the control of industry, so there can be little hope of peace in the further growth of strong rival organizations. Militarism does not produce peace other than that following the exhaustion from war. The growth of strong rival organizations with super-organizations is a form of militarism in industrial relations. Evidence of this growing militarism is to be found in the character of present-day strikes as well as in their increasing number, their length and the number of workers involved. Many strikes have been

called to force "recognition of the union" and so for the purpose of organizing the shop completely. Some have grown out of the "closed shop," where more power over "the employer's business" was being sought, or where jurisdictional disputes between trades caused a walkout. Strikes have also been called by a union which had no grievance but which wished to help out another union on strike in a closely related trade. These sympathetic strikes receive the employer's strongest condemnation, and are not rare in occurrence.

Strikes are by no means the only outward manifestations of the conflict, and the situation is far from being summed up in the outward manifestations. The complexity of the conflict, as it reveals itself in our attempt better to understand it, almost seems to preclude any one solution, for example, collective bargaining under the present militaristic conditions. In fact, all the proposed solutions to the problem have neglected important considerations, such as the resources and fighting power of the belligerent employers' associations. The great confusion of forces and issues requires extended investigation and analysis of the problem.

Superficially, one might say, as has been said, that the conflict is one between capital and labor, or between organized capital and organized labor, and that the issues are union domination versus capitalistic domination of industry. Although the increasing bitterness of the conflict forecasts such an alignment ultimately, no such clear division of forces yet exists. The consolidation of organized labor with the socialists, the I. W. W. and the anarchists is not yet an accomplished fact. The bitterness of these groups towards one another is only less than that towards the capitalistic class, but their increasing bitterness towards the capitalistic class is lessening their bitterness toward one another. On the other hand, groups of employers are hostile to one another, instances of which are cited in the following pages.

As we have pointed out above, the group which is set over against the group of organized laborers — that of the organized employers — has received scant consideration in the current discussions of the problem of the industrial conflict. It is to this group that this book gives a tardy but much needed consideration.

Employers' Associations, Defined.—*An employers' association is a group which is composed of or fostered by employers and which seeks to promote the employers' interests in labor matters.* The group, accordingly, is either (1) a formal or informal organization of employers, or (2) a collection of individuals whose grouping is fostered by employers. Although many of these associations are incorporated, the group generally differs from the regular corporation in that the purpose of the association is to conserve profits and power for the member concerns instead of making profits to distribute as dividends. The group is thus held together by the interests of the employer so far as such differ from those of the financier. The purchase and utilization of labor-force develop in the persons who regularly perform these functions an interest or interests peculiar to their class, namely, to obtain production at the minimum cost per unit of labor or product. Obviously, this does not imply the least wages, as has frequently been assumed, but rather the payment of high wages for a high quality and large quantity of product. The term "employer," as used herein applies to all business and industrial concerns which employ workmen and to all individuals who regularly employ or exclusively supervise wage earners, or who otherwise represent the employing concern in matters directly pertaining to labor.

The promotion of the employers' interests in labor matters is the function that characterizes every employers' association. Such an organization may perform many other functions clearly unrelated to labor matters, and may not

be primarily an employers' association. The employer's interests in labor matters may be promoted in a great variety of ways, and, perhaps, efforts to promote these interests may fail occasionally, or even turn out disastrously to the employer, but if the intention of the organization is to further his interests, the group is an employers' association. Any association, alliance, league or federation which intends to promote, directly or indirectly, primarily the employer's interest in relation to labor, is an employers' association. It may devote itself simply to the advocacy of the employer's viewpoint in such matters. Usually, however, it either deals with the union, or attempts to defeat the union program in whole or in part — on the whole, by trying to crush unionism; in part, generally by opposing the enactment of laws desired by the union. If it negotiates trade agreements with the unions, it is called negotiatory; if it combats closed-shop unionism in some form or manner, it is said to be combative or belligerent; but if it acts as a mediator to induce employers or other associations to deal with labor organizations, it is then designated as mediatory. An association may promote both the interests of the employer and the employee, but the employer's interests are always placed first. It is not an unusual occurrence for an employer's association to concern itself with the welfare of the workmen of its members.

Fostered associations are organizations which deal with labor matters but which are supported financially, partly or entirely, and controlled directly or indirectly by an employer or group of employers. Ordinarily, these associations have in their membership only a minority representation of employers. Sometimes these organizations are auxiliary associations, such as the National Trades and Workers' Association, or the citizens' alliances and committees have been; sometimes conglomerate, such as the National Civic Federation. Because the dominating group

of employers frequently exercises a secret and indirect control over the fostered associations, the true character of many of these organizations is not generally known. Fostered associations, nevertheless, have occasionally proven to be powerful weapons in promoting the employer's interests in the labor field.

Why the Employers Organize.—The associations exist because of the institution of private property in the means of production. The institution of private property necessitates, under modern conditions, the relation of employer and employee. The employer owns, controls, or directs the means of production — machinery, tools, etc. — in the hands of the employee. To retain this ownership, control or direction, the employer has, from time immemorial, found it necessary to resort to some form of organization or understanding with his fellow-employers to prevent organizations of workmen from unduly infringing upon his "right" to conduct his business and manage his property as he has seen fit, a "right" necessary to make his business the most profitable one.

Employers' associations reach their highest development under capitalism. To say that they arose simply because of the organization of workmen is to explain the situation in the most obvious but superficial way. It is just as reasonable to assume that the employers' associations are the primary cause of the labor union. The fundamental fact in either case is the relationship of employer and employee growing out of the institution of private property in the means of production, when the worker no longer owns the tools or other equipment with which he works. The control over the equipment by the employer inevitably carries with it a degree of control over the lives of the workmen. The employer desires to maintain control over his increasing equipment, but the workmen oppose this — in fact, have attempted to lessen greatly the degree of his control recog-

nized by the laws of the land. Concessions to the unions of workmen have not generally lessened but rather have increased their desire for ever greater control, for instance the demand for a voice in the management of the business. Their demands threaten to extend even to complete control*—which means either a transfer of property from one owner to another, or the abolition of private property in productive equipment. But only in a primitive society can the workmen be found owning all their productive equipment, and no employers existing. There no employers' associations are formulated. Conversely, in the highly developed industrial communities where there are vast aggregations of machinery, tools and other industrial equipment in the hands of employers, the associations exist in a high degree of development.

The conflict produces complex organizations. There is action and counteraction between the rival groups of employers and employees. Each group, in striving to hold the vantage ground, or to gain new ground, must govern its action to a great extent by the action of its opponent. Counteraction, in this field, however, rarely means that one group imitates the previous action of the opponent. In this struggle an attempt to unite or federate all the smaller groups of workmen and their sympathizers into a larger group has been counteracted by the employers, not so much by any one formal national federation as by co-operative efforts in informal interrelations, among national as well as local organizations. There are federations of employers,

* The history of labor troubles in the building trades shows that concessions—no matter how great—have by no means averted labor troubles. No employers' association has made more concessions to workmen than has the U. S. Brewers' Association, yet the United Brewery Workers' Union has been distinctly socialistic. Again, the "more-and-more-now" philosophy of Samuel Gompers, President of the American Federation of Labor, if fulfilled would inevitably lead to some form of socialism or anarchy, however much he may denounce the socialists and their various schemes and proposals.

but these are not comparable to the federation of workmen's unions. The conflict has become so complicated that the relations, interrelations and federations of the rival groups have produced varied sorts of organizations both formal and informal. Only in a superficial way do the rival groups correspond even roughly in either structure or function,—there is no “striking parallelism” * between the rival groups. There is simply a varying degree of correlation that rarely approaches parallelism.

The need on the part of the employer for these organizations is greater today than ever before.⁹ From the employer's viewpoint, “Employers' associations are now more necessary than ever. There were never so many important questions before the manufacturer and the employer, and never before has concerted action in attempting to form correct public opinion been so necessary as at present.”¹⁰ What the employer may gain through the successful combating of a strike may be lost through the enactment of a law, or an unfavorable court decision. The employer, alone, cannot attend to these matters in various fields. Even in strikes, methods have changed in rather recent years. In the hands of efficient association officials, “The combating of strikes has been reduced to the orderly routine of a smoothly running system.”¹¹ From the stand-

* Cf. Hoxie, “Trade Unionism in the United States,” p. 189. There is nothing in the history of the National Metal Trades Association to warrant a statement that this organization is the counterpart of the Industrial Workers of the World, or of “revolutionary unionism.” Furthermore, the Illinois Manufacturers' Association is not federated, and the structure of the National Association of Manufacturers differs radically from that of the American Federation of Labor. The other cases cited have only slight superficial resemblances. Nevertheless, the belief that there is a “striking parallelism” is general in text books and elsewhere,—see Ely, *Outlines of Economics* (third edition) pp. 454-5; Carlton, *History and Problems of Organized Labor* (1920 edition) p. 95; and *Quarterly Journal of Economics*, 20:143. Apparently Hilbert also holds the same view,—see Hollander and Barnett, *Studies in American Trade Unionism*, pp. 185, 188, 207, 217.

point of the most efficient organization of his business, the employer needs to consider the employers' association as indispensable, either for dealing with or for fighting the union.

Among the complications growing out of the conflict is this situation: either employee or employer, single-handed, once embroiled within the conflict, must indeed possess unusual strength and resources, not to be crushed by one of the organized groups or by a combination of the two, union and association.

Handicaps of the Independent Employer.—Without aid from fellow employers, an employer can rarely long withstand the great power of the federated unions, once it is directed against him. It has frequently been said that the workman is no longer able individually to cope with the modern employer, because of the inequality of labor and marketing conditions, bargaining ability, and other related matters such as the worker's lack of accumulated wealth to enable him to outwait the employer. Contrast this situation with that of the average employer in an attempt to cope with the unions international in scope and federated with numerous other international unions. In bargaining ability the unions have specialists long trained in meeting every type of employer. In knowledge of wages, labor supply and demand, the union officials again have the great advantage. The great majority of "independent" employers find themselves helpless when confronted by a grafting business agent of a powerful union. In strikes, the average or ordinary employer is a novice, the union officials are experts with long and varied experience, since they spend all their time at such matters while the employer must generally devote much of his time to problems other than labor matters. The employer knows little of the tactics or strategy in the conduct of strikes — publicity, legal remedies, such as injunctions, the building up of a body of

workmen not susceptible to union propaganda and similar weapons. It is this lack of knowledge and means that sometimes leads an "independent" employer verging on bankruptcy, to take indiscreet steps which alienate public sympathy entirely from his cause. Generally a hard-fought strike results in a boycott. What can an employer alone do to withstand a nation-wide boycott? He may appeal to the courts but he must employ counsel well-versed in such matters and pay a large fee. He must have the evidence collected, but this can be done only at great expense. Unless he does secure all this evidence for the trial, the union may convince the court and jury that no formal boycott had been declared and that the union had exercised only the "right" to inform its members that the employer had a strike on in his shop, and that there had been no conspiracy to ruin his business. This situation is made possible by the individual employer's lack of knowledge of such matters, and failure to co-operate with other employers. Alone, he can hardly make a widespread appeal to fellow-employers for patronage to support him in the crisis. In a contest with the federated unions, the ordinary individual employer is hard beset. He may buy peace from the unions by repeated concessions, if the concessions do not bankrupt him, especially when he has to compete with employers who are organized and so do not make concessions. The independent employer cannot successfully oppose the enactment of legislation that will adversely affect his interests, nor obtain legislation he desires. To protect or further his interests, he must co-operate formally or informally with other employers. The prudent employer anticipates untimely some labor trouble and guards against it, as best he may, by uniting with an association in his industrial field, or with a special or a general association, and perhaps with all three. Modern conditions apparently involve continual labor troubles, and

so conduce to continuous organizations of employers, hence the permanent formal employers' association. When labor troubles become chronic, employers' associations become formal and permanent.

How the Employers Organize.—Employers are not organized in any one way or manner. In fact, the variety of associations is large. In number, the associations now in existence, or which have been organized, in the United States, total over 2000, all of which have dealt with the labor problem in some phase or form. Of all this number, there is not an important association that is an exact duplicate of another. Manifestly, any attempt to discuss each of these various associations in detail would lead to a discussion too extended for us to undertake in one treatise. The discussion must proceed on some other basis. We must resort to a study of types. It has been a vague but rather common assumption of text-book and other writers on labor problems and trade unions that the associations were evolving into a negotiatory federated type of national association with numerous locals—that is, a single type.* Apparently, no student of labor problems has hitherto realized or faintly appreciated the great multiplicity of types or as much as comprehended even the more important types. The result has been that many inaccurate statements have been made about associations in general as well as in particular.

Types of Associations.—The varying industrial condi-

*For instance, Hilbert says, in Hollander and Barnett, *Studies in American Trade Unionism*: "Parallel organizations of employers and employees—a necessary condition for collective bargaining—are here present, [among local, district and national trade associations] and such employers' associations, whether conciliatory or militant in spirit, tend sooner or later to form agreements with the corresponding unions." [p. 185] "It appears, however, that these militant associations are ephemeral," [p. 217] See also Willoughby, in *Quarterly Journal of Economics*, [20:146-150] who says substantially the same.

tions prohibit such a simplification of types from becoming an actuality. The associations cannot be reduced even to a few types, much less one, because of the varying conditions in trade and industry, among which are: (1) the unequal rates of industrial evolution, (2) the diversity of monopolistic and competitive conditions and the area and character of competition where such exists, (3) the character of the manifold industrial processes from the point of time, or of skill, or whether hand or machine, (4) the nature of the product and the sort of purchasers or consumers, (5) the development, nature and distribution of transportation facilities. These factors, as we shall note more fully, have determined the main characteristics of the associations discussed herein.

Development of Associations.—None of the associations that we shall study in detail, existed prior to 1885. Although the association movement can be traced back into the middle ages and beyond, the chief types of that age differed materially from the principal types of the past third of a century.* The period from 1885 to 1920 may be divided into three stages: (1) the beginning of national employers' associations; (2) the development of negotiatory associations at its height; (3) the growth of belligerent associations.

Evolution of National Associations.—Around the year 1885, many interesting developments occurred in the conflict between employers and workmen. The year 1886 was notably a year of strikes, and the preceding and following years were filled with labor troubles. This was the period when the Knights of Labor reached its height, and defeated by the associations generally, began its decline. At this time also the American Federation of Labor had its

* It is highly erroneous to say that, "The movement for the organization of employers is new." Cf. Phillips: *Organization of Employers and Employees*, p. 160.

origin but was not yet regarded as of much significance. During this period, several noteworthy strikes occurred on a number of railroads, and in 1886 the General Managers' Association, composed of the 24 railroads centering or terminating in Chicago, was formed. In the year 1886, the Stove Founders' National Defense Association evolved out of the National Association of Stove Manufacturers, in order better to fight the Iron Molders' Union, but not until 1891 did it negotiate with the unions. In 1887, the United Typothetæ of America was organized to resist the demands of the International Typographical Union for the nine-hour day. Many local associations were active during this period as is shown by the fact that associations ordered in the years 1884-1886 over 75 per cent of all lockouts for the period, while in the three previous years, 1881-1883, the associations had ordered fewer than 30 per cent. Trade agreements were almost entirely a local matter in the eighties, the national associations were mainly organized to fight the unions.

After having practically crushed the Knights of Labor, the national associations became relatively inactive until in the nineties. Then came strikes of noted magnitude in the mines and on the railroads. The year 1894 even surpassed the high record of 1886 in number of employees involved in strikes. In that year the General Managers' Association defeated and broke up the American Railway Union. But no national association had yet become permanently and persistently belligerent towards the unions, although a number of local associations had become such.

Negotiatory Associations.—The negotiation of a national trade agreement by the Stove Founders' National Defense Association and the International Molders' Union in 1891 marks the beginning of the period of development of national negotiatory associations. The system of trade agreements undoubtedly reached its highest development in

the five year period 1898-1902 — a period of wars, the Spanish-American War and the South African War. The commerce from these wars made prosperous times for the manufacturers, and skilled laborers were in great demand. A widening of the margin of profit for the manufacturer made him anxious to secure the necessary labor for his factory and the trade agreement promised him this labor at a price which he felt he could depend upon as a basis in calculating the future costs of his products. However, this situation alone would probably not have produced negotiatory associations, since the employer, individually, or by means of local associations, could have entered into trade agreements with the unions. Another factor entered into the situation.

The period of the highest development of negotiatory associations practically coincides with the greatest development of the formation of trusts and other similar business combinations to control prices. The realization of increased profits by business men in this period led them to believe that even still larger profits might be obtained by combinations to control prices. Business men utilized labor unions in forming such combinations. Negotiatory associations made trade agreements with certain unions, and by means of these generally forced the independents to come into the combination or to conform to the prices set by the combination if their businesses were not ruined. The history of the building trades of the period is replete with instances of such conspiracies. It was a situation that produced strikes, and in certain cases gave dishonest labor leaders an opportunity to graft off the combination, and thus force it to divide some of its great profits, or to "hold up" the independent at every turn. These conditions were not generally permanent, for if the combination monopolized the trade or industry, it could then turn on the unions. If it was a failing scheme, ultimately the

unions held out no advantage to it. Only in those cases where the combination was neither completely successful nor a failure, would the trade agreement be continued and renewed from time to time with necessary changes. We shall note, later on, the factors that govern existing negotiatory associations.

Belligerent Associations.—Beginning about 1901 and extending up to April, 1917,—the entrance of the United States into the War of 1914–1918—there was a distinct evolution in belligerency among old associations and in numerous newly formed ones. Associations that had tried the trade agreement were breaking away from it, and fighting the unions in many fields. The National Metal Trades Association, which began its career as a negotiatory association, became distinctly belligerent in 1901. Citizens' alliances were growing up in many localities, and this movement was characteristically a belligerent one, but was in the nature of the case of comparatively short life. The National Association of Manufacturers had been formed in 1896 but became belligerent in 1902, especially in the legislative field. The belligerent American Anti-Boycott Association, now the League for Industrial Rights, and the Citizens' Industrial Association of America were organized respectively in the years 1902 and 1903. The United Typothetæ of America became prevailingly belligerent in 1903. The negotiatory National Founders' Association became belligerent in 1904, and the negotiatory National Erectors' Association began its belligerent activities in 1905, declared itself belligerent in 1906 and attracted world-wide attention in 1911 as a result of its belligerency. None of these associations now existing has lost much of its belligerency.* With the possible exception of the

* Cf. Hollander and Barnett, *op. cit.* p. 217: "It appears, however, that these militant associations [such as the N. A. M. the A. A. B. A.,

United Typothetæ of America, they are rather more belligerent, although the conditions accompanying the war of 1914-1918 perhaps forced some of them outwardly to appear somewhat more conciliatory. The industrial conditions during the war—wide margins of profits and scarcity of labor—favored negotiations, concessions and trade agreements, just as the narrowing of the margin of profits in the period 1902 to 1915 had led to belligerency in the associations. The American Federation of Labor was facing a rather serious situation at the outbreak of the War of 1914-1918, for its progress seemed then to be definitely checked, at least, so far as any substantial gain in membership was concerned. It took the American Federation of Labor seven years to regain in membership, a number of members equal to those it had in 1904, and its net gain from 1904 to 1916 was only 16 per cent, which is less than the percentage growth of population during that time. At no time prior to 1916 was its membership much in excess of two million out of an estimated total of thirty-six to forty million workers, of which two million more have been shown since to be clearly organizable. Only in the legislative field did the Federation make any noted gains in the period 1904 to 1915. It has been the history of the labor movement in America that the unions go into politics when they are being defeated in the industrial field, rather than the reverse that the union fails because it has gone into politics.

Unionism Checked Before the War.—The belligerent associations were gradually gaining ground over the unions by numerous steps, some of which we shall summarize to illustrate the process and methods used to crush the unions:

etc.] are ephemeral in character, and likely to pass away with the occasion that called them into being; the relations between the trade association of employers and the union of employees, on the contrary, are stable and reducible to a business [that is, negotiatory] basis."

1. By successfully combating union strikes generally.
2. By eliminating and keeping union men out of an increasing number of shops.
3. By promoting welfare work to destroy the humanitarian plea of the unions.
4. By fostering trade schools and industrial education, so that the supply of skilled nonunion workmen would be adequate.
5. By prosecuting union leaders successfully and by securing noted court decisions curtailing union activities, for instance, the Danbury Hatters' Case, whereby a nation-wide boycott by the union subjected the union members to very heavy penalties under the Sherman Anti-Trust Act.
6. By opposing the efforts of the unions to secure relief from the use of the injunction in labor disputes and from the application of the Sherman Anti-Trust Act to labor unions; and by restricting the success of the unions in obtaining legislation limiting the hours of labor on public contracts.
7. By political activities, in which the unions failed to make the showing of strength necessary to convince politicians generally of the potentiality of the labor vote.

The steps enumerated above do not imply that the beligerent associations had an unbroken line of victories, for such is far from being the fact, especially outside the field of strikes and the open shop. In the other fields the contest was long indeterminant, as for example, in the Danbury Hatters' Case, which lasted from 1902 to 1914. In the legislative field the fight for a Federal eight-hour law on government work lasted from 1902 to 1912, and was won by the unions. The contest over anti-injunction legislation by Congress continued from 1904 to 1914, and a recent decision by the U. S. Supreme Court shows that the en-

actment of the Clayton Anti-Trust Act — the so-called “Magna Charta of Labor” — gave the unions no relief from the provisions of the Sherman Anti-Trust Act, but instead subjects them to an injunction obtainable by an employer without the intervention of U. S. attorneys — as required under the Sherman Act — to restrain any union boycott of his products that enter into interstate commerce. The associations were notably successful in the prosecution of the officers of the International Association of Bridge and Structural Iron Workers. All of these steps, however, do indicate that the lines were being drawn tighter and the unions were seeking any and all measures that promised any sort of relief.

War Gave Strategic Position to Unions.— The advent of the war of 1914–1918, however, gave to the unions a great advantage, since the demand for labor became great. Previous wars had shortened the supply of labor, especially unskilled, by cutting off immigration from certain countries, and causing many workers to leave the United States to take part in the wars, but the effect was much less marked than that of the later war. These wars allowed the American Federation to regain a membership in 1911 that it had reached in 1904. But the later war and the consequent monetary inflation enabled the Federation to increase its membership from 2¼ million in April, 1916, to 4½ million in October, 1920. The enormous orders of the warring nations, placed in the United States at prices that allowed a wide margin of profit, set the employers to bidding against each other for workmen. Employers hired workmen without the care formerly exercised as to union affiliations. Men could join the unions without fear of being discharged, or if discharged, could immediately find another job.

The War of 1914–1918 gave unions the strategic position. With the entrance of the United States into the war in

April, 1917 — and with the consequent withdrawal of some 4 million men from civilian occupations into the army and navy — the unions came into the most strategic position. The labor supply, especially of skilled workmen, was wholly inadequate to the great demand. Prices continued to rise, and the margin of profit was great. The "cost-plus" system of government contracts would have made the employer wholly indifferent to excessive wages, but for the fact that he knew that the condition could not always last, and any high scale once paid would tend to become established, to be reduced only by labor troubles or business depression, neither of which he desired. The policy of the Federal Government was based on the acceptance of the economic conditions and the strategic position of the unions. The unions were allowed to organize, and concessions were freely made in order that strikes would not be called, or if called be of short duration. Strikes in great number were called, and employers were virtually forced to concede at once the increased wages demanded by the union as ultimately they would have had to do.

Renewed Belligerency.—The belligerent associations did not make an unconditional surrender. The entire ground of the struggle is now being fought over again and with more bitterness than ever before. The records show that we have been passing through the greatest strike period of all history. (See table of figures in the U. S. for 1916-1920 on next page.) Anyone who has studied the attitude and activities of the belligerent associations during the past twenty years will be inclined to believe that the unions will lose much of the ground they gained during the war of 1914-1918. A survey of a combination of certain factors indicates that the unions must lose much of the advantageous ground formerly held. (1) Women have entered a vast number of semi-skilled and skilled occupations formerly closed to them. (2) Great numbers of

workmen have been released by the demobilization of the army. (3) The importation of negro labor from the South has lessened the acute demand for labor in industrial centers. (4) Hordes of immigrants have come from Europe. (5) The destruction of much physical capital by the war — its diversion from industrial purposes to war-making pur-

STRIKES AND LOCKOUTS IN THE UNITED STATES FOR THE YEARS 1916-1920

YEAR	1916	1917	1918	1919	1920	Total
Number of strikes and lockouts beginning in the year..	3,789	4,450	3,353	3,569	3,167	18,328
Number of strikes and lockouts for which reports on number of persons involved were available	2,667	2,325	2,151	2,609	2,044	11,796
Number of persons involved in these strikes and lockouts	1,599,917	1,227,254	1,239,989	4,154,420	1,416,581	9,638,161
Number of strikes and lockouts for which reports on days duration were available	2,116	1,435	1,709	1,853	1,362	8,475
Total number of days duration of these strikes and lockouts	49,680	26,981	29,895	62,930	48,880	218,366
Average duration in days	23	18	18	34	36	24

Compiled from *The Monthly Labor Review* (U. S. Bureau of Labor Statistics) for June, 1921, pp 162-181.

poses from which only a portion can ever be recovered — has made capital for the time relatively more scarce than labor in the United States. (6) Of the physical capital that has been developed as the old has worn out, much has been of the type of machinery that replaces labor or can utilize the labor of women. Much of this new capital was not confined to the production of guns and ammunition. (7) The credit inflation of the United States has clearly

reached its maximum point, and accordingly prices will probably continue to decline,—the making of enormous profits by employers is over. Moreover, the great labor power of the other nations is likewise being released from war-making activities for industrial purposes, the world competition for markets will become intense in the next few years.

The period of reconstruction thus promises to be one of growing intensity of international competition. Such competition produces belligerency among the associations. Competition confined to national limits may conduce to negotiatory associations, since employers may combine with the unions to secure monopolistic conditions. A protective tariff might thus tend to lessen the tendency toward belligerency, but the United States has reached a point of economic development where it must compete in the markets of the world with manufactured products. The employers in the United States, accordingly cannot, were they so inclined, maintain the present high level of wages on a declining market for their products. The unions bitterly resist any wage reductions. Government projects or even continued currency inflation can only alleviate, for a short period, the present crisis in labor matters. Not even the fear of Bolshevism which has intimidated many employers into making concessions to the trade unions could prevent the clash.*

Recent Developments in the Conflict.—During the period 1919-1921 many "open-shop" associations have been formed in various localities.¹² Employers in many industries are attempting to free themselves from union domination fastened upon them during the war. One of the most discussed methods of fighting unionism is the

* On the growth of the industrial conflict, see the article on "The Heritage of Hate," in *American Industries* for June 1920, p. 38.

"shop union"—that is a union of only the employees in a shop. Such a union has no "entangling alliances" with any other union. This scheme is known under various names, such as "shop-representation plan," "works council," "shop-committee system." Elaborate methods of government for such unions have been worked out. Such a scheme is usually designed to displace the trade union of the A. F. of L. type, and the A. F. of L. vigorously denounces such organizations as "fake unions" or as "employers' unions."

Efforts to work out a program of industrial relations have been very tardy. The National Civic Federation—a mediatory association—has practically confessed that it cannot work out an adequate program to meet the warlike situation. The First National Industrial Conference at Washington in 1919 attempted to reconcile the differences of the warring groups by having the generals of the opposing armies meet, along with "representatives of the public," to reach an amicable agreement. It was inevitable that the union group would demand "collective bargaining" by the unions through their expert leaders, and that the employer group would resist such demands for a voice in the control of the business of the employer. There was no power acting to force either group to make concessions. Since the Conference required that a majority vote of each group should determine the vote of the group, and that all three groups must agree before an action was confirmed, a break-up was only to have been expected.

The Second Conference failed to settle any of the vital issues in the controversy, and accordingly its efforts were as futile as those of the First Conference.

Meanwhile, the conflict grows apace—the "open-shop" movement continues throughout the country. This movement has been especially pronounced in the smaller cities in the Mississippi Valley from Wisconsin to Texas. The increased cost of living has caused much unrest,—all

the promises to reduce it were long unfulfilled. Workers have rebelled against their old leaders because these officials took no action to meet the situation promptly. Every opportunity of employers to break with the unions seems to be eagerly seized. Confronted by these developments, we need to study some of the more important permanent types of associations in order better to understand the association movement.

Characterization of Typical Associations Studied.—

In the following chapters, certain associations have been selected for study as typical of the movement. The Stove Founders' National Defense Association has been selected as a national negotiatory organization. It is a centralized body and bargains with the International Molders' Union on a national scale, but deals with labor troubles and strikes through both district and national committees. The National Founders' Association is a national belligerent organization. It has a regular organization for combating strikes, and conducts a propaganda against closed-shop unionism in order to prevent strikes. Its powers are also centralized. The National Metal Trades Association is a close-knit federation, national in scope and belligerent in attitude. It combats strikes largely through its branches. It seeks to prevent strikes and conducts a propaganda for this purpose. The National Erectors' Association is clearly the most belligerent national association in the United States. It makes war upon unionism from every side. The Building Trades Employers' Association of New York and the Building Construction Employers' Association of Chicago are both local federations of other associations that bargain with the unions and fight occasionally in order to carry on negotiations without making too many concessions. The former is noted for its methods of handling labor difficulties, part of the time with a General Arbitration Board. The latter association is noted especially for its "uniform

form of agreement" as a means designed to reduce sympathetic strikes and other labor troubles. The United Typothetæ of America presents an illustration of an organization divided against itself in labor matters with two divisions, one negotiatory the other belligerent. It is a large national federation which, as a unit, concerns itself primarily with trade conditions in the printing industry. The American Newspaper Publishers' Association has a labor division which has standardized national trade agreements and arbitrates issues that arise under these. It is accordingly a national negotiatory body. The National Association of Manufacturers is a national centralized belligerent propaganda association, primarily engaged in opposing legislation sought by the American Federation of Labor. The National Civic Federation is a national mediatory association, made up of three groups; employers, union officials, and publicists. It attempts by means of conferences to promote amicable relations between employers and union officials. The League for Industrial Rights is a national organization that makes war upon the unions for their illegal practices. It aims to collect and disseminate information on the legal phases of the conflict and on other developments in industrial relations. The National Industrial Conference Board is a loose federation of national and state industrial associations for the investigation and discussion of vital problems as a basis for united action in combating "union fallacies" and proposals based thereon. The Associated Employers of Indianapolis is a local belligerent association which has become of national significance through its nation-wide propaganda against the closed shop, and its efforts to co-ordinate all the local open-shop employers' associations in the United States.

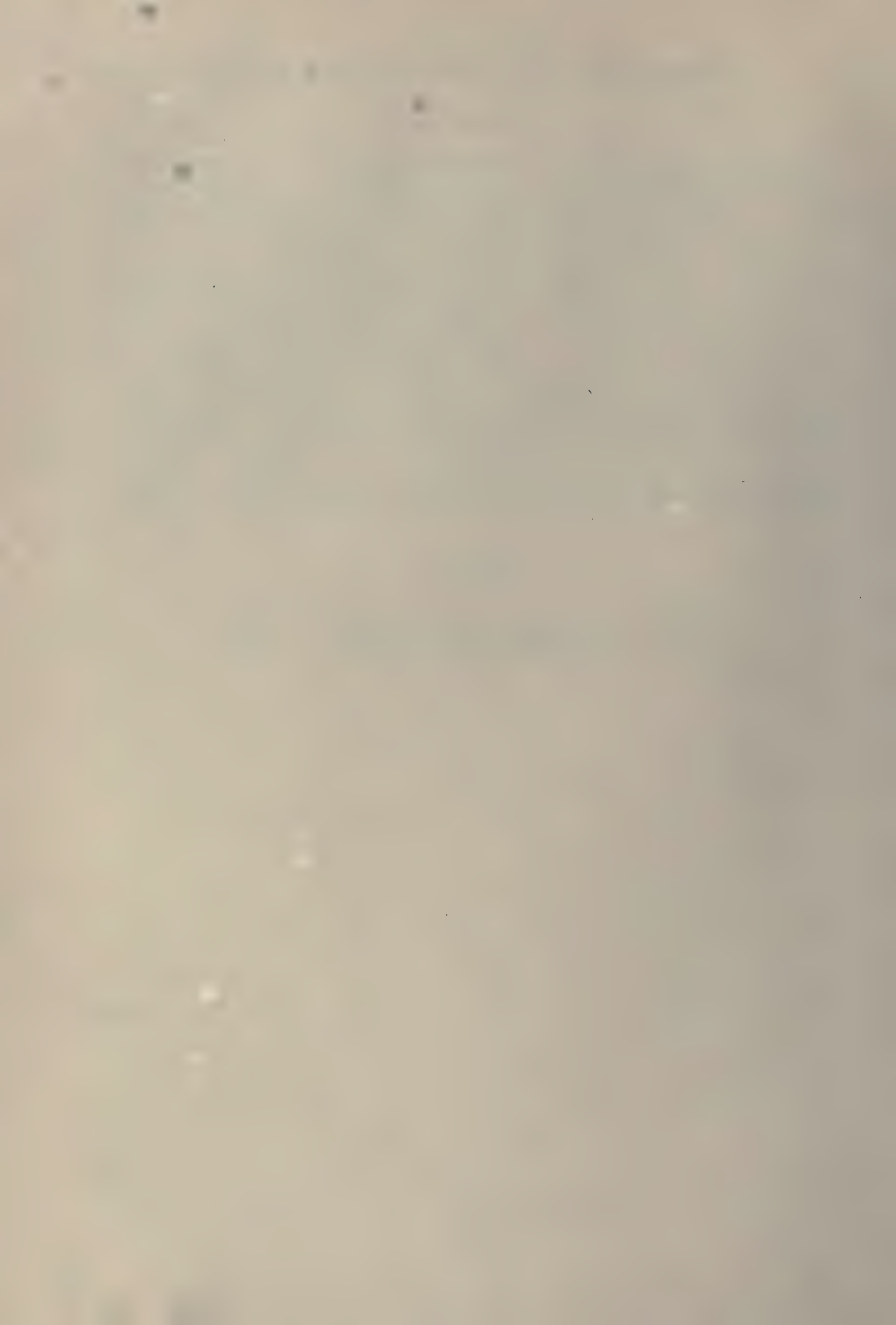
These thirteen associations, besides presenting various phases of the association movement, have in their great prominence another strong claim for extended consideration.

REFERENCES

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PART I

ASSOCIATIONS IN THE IRON AND
STEEL INDUSTRY



CHAPTER II

THE STOVE FOUNDERS' NATIONAL DEFENSE ASSOCIATION

THE Stove Founders' National Defense Association is one of the oldest of present-day national employers' associations and it has been regarded by noted students of labor problems as the type of future associations which are to solve the problem of the conflict between employer and employee.¹ Its experience with collective bargaining, however, is not reassuring; in fact, no negotiatory association of prominence, over a considerable period of time, it seems, has been able to avoid serious strikes. Because of its historical antecedents, and the wide-spread belief that it points the way to the solution of the labor problem, it is given first extended discussion in these pages.

Membership.—The Stove Founders' National Defense Association is an organization of about 80 corporations, firms and persons² engaged as principals in, and operating foundries for, the manufacture of cooking and heating stoves, ranges and furnaces³—all in the United States exclusively.⁴ Its members ordinarily employ approximately 10,000 workmen—molders, mounters, polishers and common laborers⁵—and produce about 80 per cent of the products of this special industry.⁶

Structure and Government.—The powers of government are somewhat divided between a General Executive Committee and four district committees. The territory

of the Association is divided into four districts in each of which is a district committee of five members. The members of these committees are elected at the annual meeting of the Association. The Chairman and Vice-Chairman of each District Committee, with the President, the two Vice-Presidents and the Treasurer of the Association, constitute the General Executive Committee of the Association. These officers of the Association are also elected at the annual meeting of the organization. The President is the presiding officer of the General Executive Committee, which may be summoned by him, or by four of its members collectively.⁷ This Committee "shall make such assessments as are requisite to provide for necessary expenses, and *shall have full power to act in such manner as it may deem advisable* for the effectual fulfillment of the object of the Association."⁸ In the settlement of labor troubles, however, the District Committee, as we shall see, usually plays a more important part than the General Executive Committee.

Objects.—The stated objects of the Association are: "to unite the Stove Manufacturers of the United States for their mutual protection, for the resistance against any unjust demands of their workmen, and for such other purposes as may from time to time prove, or appear to be necessary for the benefit of the members thereof, as employers of labor."⁹ With such objects, and with so large a grant of power, the General Executive Committee does not seem to be limited greatly in its functions, in fact has "an autocratic power."¹⁰ The representatives of the Association have much power conferred upon them in the control of the shops of the members.

Obligation of Members.—Members are bound to the Association by both an obligation and a deposit in an emergency fund. The first requirement is that "All members of this Association shall execute in writing an agreement or obligation as follows:

"We, the undersigned, do hereby covenant and agree to and with each and every person composing the membership of the Stove Founders' National Defense Association as follows:

"First.—Any unjust demands made upon a member of said Association by his workmen, or others, shall be resisted by the united action of all members in protecting said member upon whom such unjust demand shall be made.

"Second.—We bind ourselves to obey the Constitution, By-Laws and lawful regulations of this Association."¹¹

A member is not considered in good standing until he has signed the above obligation, has conformed to the Constitution, By-Laws and other agreements of the Association, and has had his acts fully approved and confirmed by its executive officers.¹² The paragraph of the By-Laws relating to the deposit required in the emergency fund is: "On initiation new members shall pay to this fund such sum in proportion to the unexpended balance of the fund as the number of molders they employ bears to the total number employed by all the members according to the two quarterly reports last preceding."¹³ When we note that the emergency fund has totaled over \$200,000;¹⁴ that the average deposit of a member has been approximately \$2,700, and of the largest member nearly \$11,000,¹⁵ we can readily see that a member is closely bound to the Association.

Dues and Funds.—The cost of initiation is \$50, and the annual dues are \$25. In addition to this, assessments are levied upon members. An assessment of ten cents a molder monthly upon each member of the Association is required for the emergency fund, and may be increased by a majority vote of the General Executive Committee to replace any money drawn from that fund. For the purpose of assessment, the maximum number of molders employed during the previous three-months period, is taken. Two apprentices or helpers are counted as one molder.¹⁶ The emergency fund, under the present provisions, is to be

used for the purpose of meeting any serious emergency that may arise, is to be invested and the interest added to the fund in order to increase it, and all impairments of the fund are to be made good by a special assessment.¹⁷

Evolution.—The evolution of the Stove Founders' National Defense Association is the reverse of the three other associations selected for study in the iron and steel industry,—after being belligerent for nearly five years, it became negotiatory. It was organized to fight, while they were formed to negotiate with labor organizations. Today, it deals with organized labor, while the other three associations make war upon the unions.

The Stove Founders' National Defense Association was organized at a meeting of the National Association of Stove Manufacturers held June 14, 1886, and comprised most of the members of the latter organization, which wished to devote itself largely to the commercial phases of the stove industry rather than to choose either to continue to deal with labor problems in an inefficient manner, or to enlarge its scope to deal with them efficiently. The newly formed organization had then "for its purpose the unification of its members for protection and defense against unjust, unlawful and unwarranted demands of labor."¹⁸ Shortly after its formation, it engaged in a series of contests with the Iron Molders' Union of North America, and decisively defeated the union in every important strike called in the shops of its members during the period from 1886 to 1891.¹⁹ The union was then willing to come to terms, and Mr. Thomas J. Hogan, then a stove manufacturer, and Mr. Martin Fox of the union, agreed to make arrangements for peace between the two organizations.²⁰ * "Accordingly a

* President George Mitchell says on this point, "To the best of my knowledge it was not Mr. Hogan who was responsible for the Agreements between the two Associations, but Mr. Henry Cribben of the Cribben & Sexton Stove Co., Chicago, who was our first President." [D(31)'20 Letter from Pres. Mitchell.]

conference was held in Chicago March 25th, 26th, and 27th, 1891, when it was agreed that there would be no strikes or lockouts and that all differences be amicably settled upon a basis outlined in the conference agreements.”²¹ The Association has thus described the outcome: “Conferences have been held each year since and agreements made which have been closely adhered to by both organizations, with the result that better and more substantial results have followed, and all serious trouble has been avoided since the first conference was held.”²¹ However, its adoption of a new “Declaration of Principles” in 1907, caused *American Industries* to suppose at that time that the Association had become belligerent again and would stand for the open shop.²² * Notwithstanding the fact that within the Association there had been up to this time a long contest between the conciliatory officials and members

According to a booklet of the S. F. N. D. A., issued in 1893, we find that former President Cribben did appoint the committee from the Association, but that considerable discussion had preceded the appointment of this committee. Former Secretary Hogan informed the author some years ago that these discussions had been carried on between Mr. Martin Fox—then President of the I. M. U.—and Mr. Hogan. The booklet states (p. 9): “During various interviews between the officers of the Association and those of the Molders’ Union, the former deprecated the necessity of internecine strife forced upon them and expressed a wish that other and better plans of settling disputed points could be devised and enforced. . . . Mr. Martin Fox, . . . addressed a letter November 29, 1890, to Secretary Hogan, stating that a general convention of his organization had authorized the appointment of a committee to meet a similar committee of the D. A. for the purpose or ‘arranging plans for future action, whereby questions of wages or other differences may be mutually settled without incurring loss or injury to the parties concerned,’ and stating that such committee was ready to meet and confer with the D. A. committee at any time, to make arrangements to guide them in future actions. President Cribben, under the authority of a resolution adopted in Detroit, in 1887, appointed a committee of five to meet the molders’ committee. . . .”

* President Mitchell states that, “Mr. Van Cleave had little or nothing to do with this movement. It was the child of Mr. Grange Sard and ended in hopeless failure, expiring at the first joint Conference. At

on one hand and its belligerent members on the other hand, headed by Mr. James Van Cleave, of the Buck's Stove & Range Co., who strove to make it an open-shop organization,²³ the Association has maintained its negotiatory character up even to the present time (1921). Its officials have disregarded the belligerent clauses in the Principles.²⁴ But that the Association has had strikes to deal with, some of a serious nature, was reluctantly admitted by its then Secretary, Mr. Hogan, before the Commission on Industrial Relations.²⁵ * In 1918, for instance, labor troubles were so serious and required so much time of the President, George Mitchell, that the Association voted him a gift of \$6,000.²⁶

That the Association "exhibits strong hostility to organized labor in its by-laws,"²⁷ was the expressed opinion of Mr. Spelling while he was an attorney for the American Federation of Labor. There is no doubt that a belligerent official could easily give a belligerent interpretation to the Principles, which are:

the time there was no real issue between the two Associations." [D (31)'20 Letter.] If such were the case, it is difficult to understand why Mr. Van Cleave issued an extended booklet on "A Review of the Labor Troubles of the Buck's Stove & Range Co, in Relation to the Stove Founders' National Defense Association."

* There is, of course, considerable difference of opinion as to what constitutes a "serious strike." President Mitchell writes [D(31)'20 Letter.] "We have so far, due to our Agreements, avoided any serious strikes. . . . Regardless of the admissions you refer to by Secretary Hogan, the Association was not troubled with any serious strikes. In fact, we had but ordinary troubles at the time and Mr. Hogan was in very poor health. Our troubles regarding strikes on the part of the molders are reduced to a minimum because of our Agreements with the Molders' Union."

However, the *International Molders' Journal*, [Ja '21, p. 25] says, "For several years, violations of Clause 3 [which prohibits "discontinued operations," "stoppages of work," or in plain words, *strikes* and *lockouts*] developed serious situations in some sections of the country. There has been, and most justly so, an insistent demand that members of the I. M. U. of N. A. employed in foundries of members of the S. F. N. D. A. shall maintain a more strict regard for the letter and the

"DECLARATION OF PRINCIPLES

"1. A labor union, guided by proper rules and governed by judicious leaders, is of advantage to employers and employees.

"2. In consideration of this fact and of the entering into written agreements, no Union rules should be applied to the S. F. N. D. A. shops, except such as are mutually agreed upon in conference.

"3. No man shall be refused employment or be discharged, because of membership or non-membership in any Union with which we have a written agreement.

"4. A Committee of three shall be recognized, composed of employees who are acceptable to their employers. This Committee may appeal to their foremen, or to the officers of the Company, on any question, but during working hours they shall give no orders to the men; they shall not interfere with the work, nor in any way interfere with the proper duties and authority of their foremen.

"5. The ratio of apprentices may be regulated by conference with the representatives of the workmen, but in the absence of any agreement the manufacturer shall determine the number of apprentices he requires. No agreement shall be recognized that would prevent the employer from using additional apprentices, or unskilled labor, when, in his judgment and with the approval of the representative of the Association, a sufficient number of satisfactory journeymen cannot be obtained.

"6. There shall be no interference with the employment of unskilled labor, nor with the use of machines and appliances in any department.

"7. There shall be no limitation of output or earnings.

"8. An employee, who, in the judgment of the foreman, violates any rules of the shop, is liable to immediate discharge.

"9. The time for equalizing prices shall be from January

spirit of the agreements." These "stoppages of work" were one of the issues that threatened to disrupt the Agreements the past December, and the trouble seems to have been postponed, not settled.

1st until the time when wages are by agreement fixed for the year.

" 10. The owners of a factory may make its shop rules, but in order to receive their support by the Defense Association, they must be approved by its representatives.

" 11. Any disagreement shall be settled in the usual manner provided for in our agreements." ²⁸

Methods for Settling Strikes.—The Association has elaborate provisions for settling any labor troubles that may arise in the shops of its members, and, in case of inability to adjust the difficulty, for combating the strike.

The procedure in case of a difficulty between a member of the Association and his workmen, is as follows: If the member is unable to settle the difficulty he gives immediate notice to the President and the Secretary of the Association. These officers are required either to take up the matter immediately and endeavor to effect a settlement, either themselves or through the conference committee of the Association and the union, or to refer the dispute to the district committee in the district in which the trouble occurs. If the difficulty is of minor importance and the President and the Secretary cannot settle it, they may arrange for such relief as they believe necessary and authorize the payment of expenses, if of moderate amount. If the difficulty is of importance and these officers cannot settle it, the matter goes to the district committee. This committee goes to the foundry where the trouble is, and conducts hearings at which each party to the controversy is allowed to present its grievances. After the hearings the committee must decide the matter in dispute. If, however, the workmen refuse to present their grievances after having been duly notified to do so, the committee is empowered to decide the question without their testimony. The employer is forbidden to effect a settlement of the dispute after the matter has been appealed to

the committee except with its consent. An appeal may be taken from the decision of the district committee to the General Executive Committee if the member of the Association feels aggrieved at the decision. The General Executive Committee is required to meet within five days after the appeal is made. A three-fourths vote of the committee-men present is necessary to reverse the decision of the district committee.²⁹

Combating Strikes.— If these efforts fail to settle the controversy, the district committee may provide, after a full investigation of the needs of the member, a method or methods of combating the strike as follows: First, the committee may have his work done in the shops of other members in that district; second, it may procure men for him to work in his shop; or third, it may pay him, if the second method is chosen, as compensation a rate to be determined by the General Executive Committee, for every man not furnished him within a specified time. A combination of any two or three of the methods may be used. But, if the first method is not attempted, and the committee finds itself unable to supply the member with any men, the third method would be employed exclusively.³⁰

Should the committee decide to have the work done for the struck member, the patterns for the work are distributed equitably among the other members in the district, who are required to give this work preference over all other work in their shops. In any shop where the workmen refuse to do this work, the shop is closed until the original difficulty is settled, and if three-fourths of the foundries of the members in any district are thus closed, the work for the struck member and the members declaring the lockout in that district, is equitably distributed among the members of the two nearest districts. Should all the foundries in any three districts be closed, the President must summon a special meet-

ing of the Association to act in the matter. Members doing work for struck members are allowed to charge only the actual cost as determined by the district committee.³¹

In case the district committee decides to combat the strike by supplying men for the struck shop, the other members of the Association are required to supply him with competent workmen to the extent of seventy per cent of the maximum number he employed according to his latest report. The proportion of workmen each member is required to supply is determined by the ratio that the number of his workmen bears to the total number employed by all the members of the Association. A member, not suffering from any difficulty in his shop is fined not to exceed five dollars a day for each workman he fails to supply of his quota determined by the district committee.³²

The Association pays all necessary expenses for police and private guards to protect the property of any member threatened with injury or destruction by combinations of strikers or their sympathizers. It is the duty of the district committee "to authorize, order and conduct the prosecution of the leaders of mobs or persons threatening or doing injury to the property of the members."³³ The expense of these prosecutions is borne by the Association. Furthermore, the General Executive Committee of the Association is authorized and empowered "to treat with, or proceed legally against any party or parties, who may at any time be engaged in an effort to boycott the products of a member of the Association."³⁴

Although the Association holds conferences and makes trade agreements with the molders' union, further evidence of its belligerency is found in the provision of its By-Laws, that, "No member of this Association shall affix a union label on any goods of his manufacture."³⁵ * In addition,

* See also Clause 19 of the Agreements.

the By-Laws provide for the abrogation of the trade agreements with any labor union which directly or indirectly maintains a boycott in any form against any member of the Association in good standing.³⁶

Preventing Strikes.— For preventing strikes, the Association has adopted the method of holding conferences and making trade agreements with the union. The Association has held conferences and made agreements with the Iron Molders' Union of North America, the Metal Polishers, Buffers, Platers, Brass Molders and Brass Workers' International Union of North America, and with the Stove Mounters' International Union of North America. It is with the Iron Molders' Union, however, that it has held the major number of conferences, and it is the agreement with this union upon which those with the other unions were based.³⁷ Moreover, the agreements with the other unions were broken off several years ago and up to 1921 had not been renewed.³⁸

Conference Agreements.— Through a series of conferences extending over a number of years, the Association and the Iron Molders' Union have reached agreements on a number of points on which formerly there was sharp issue, especially on shop rules formulated either by the employer on one hand and resisted on the other by the union, or by the union and opposed by the employer. Among these points are: the procedure in adjusting difficulties between a member employer and his workmen; the apprenticeship question; the fixing of piece prices, either for hand or machine molding, and advances and reductions in the percentages on the base price; the furnishing of tools; allowances for dull or dirty iron; the use of a book of piece prices in each shop accessible to the workmen; the employment of helpers; the establishment of the eight-hour day with an allowance of time and one-half for overtime; the prohibition against cutting piece prices to limit the earnings of molders; minimum

daily wages for molders and coremakers; and the method of counting for each molder the number of good castings he has made. These conference agreements in 1921 contained 29 clauses, some of which have been amended frequently.³⁹

These conference agreements provide for negotiations as the method of adjusting differences between a member of the Association and his union workmen. For this purpose a conference committee is formed consisting of twelve members,⁴⁰ six of whom are chosen by the Union and five appointed by the President of the Association, one each from the four districts and one at large, while the sixth representative of the Association is the President himself.⁴¹ It is to this committee that all disputes between members of the S. F. N. D. A. and the Iron Molders' Union are referred when the President of the Association and the President of the Union or their deputies cannot reach an agreement as to the points in dispute. Only a small percentage of the disputes ever come before the conference committee for settlement. In fact, during the time of Secretary Hogan, disputes were generally handled by him as deputy of the President.⁴² The present Secretary, Mr. Sloan, plays an important part in allaying labor troubles.⁴³ In case the two Presidents or their deputies cannot reach an agreement, they may refer the matter to the conference committee which decides the issue by a majority vote. This decision is binding on both parties to the dispute for a period of twelve months. While the dispute is being settled, neither party to it is permitted to discontinue the ordinary operations of the shop.⁴⁴ The Union enforces these conference agreements and adjustments by suspending the local union that refuses to comply with them.⁴⁵ The Association, on the other hand, expels a member who refuses to be governed by the decisions of the conference committee, and he then forfeits the large deposit that he has made to the emergency fund of the Association.⁴⁶

The points or clauses over which the conference committees have spent the most time and effort are those relating to hours and wages. In 1917, for instance, the committee spent nineteen days in arriving at an agreement, and the main points in dispute were wage increases and a reduction in the hours of molding. "The International Molders' Union of North America had thirty-one trained conferees at the session — men skilled in all technicalities of the work — who specialize in the handling of so-called grievances and demands for their union. The Stove Founders' National Defense Association was represented by practical employers who knew precisely the conditions of the trade and how its interests should be conserved." ⁴⁷ * The negotiations over shop conditions, the interpretation as well as the formulation of shop rules by the conferees, require each side to have men with an intimate knowledge of the details of foundry practice and with a highly developed skill in bargaining. An examination of the clauses of the 1921 "Conference Agreements" will reveal the extent to which the conference committee deals with shop conditions, so that wages and working conditions may be standardized in stove foundries and "unfair" competition among stove manufacturers reduced to the minimum.[†] The "Agreements" follow:

* President Mitchell calls attention to the fact that the above quotation might "make it appear that 31 men represented the Molders' Union and many represented the Employers, in Conferences, whereas the fact is that both sides are represented by six men each, appointed for that Conference. During the preliminary sessions parties interested may attend, but they take no part in the discussions." [D(31)'20 Letter.]

† "The Annual Conference was held recently, (December 7th,) and adjourned until April, being unable to reach any wage agreement for 1921. Present unsettled conditions, worldwide, seemed to be the stumbling block and rather than dissolve our relations, a postponement was agreed to, in the hope that a fair and intelligent conclusion might be reached. In the meantime the agreement for 1920 to remain in force."

"Our Association has now but one Agreement with Labor and that

"CONFERENCE AGREEMENTS IN FORCE AND RULING
BETWEEN THE INTERNATIONAL MOLDERS' UNION
OF N. A. AND THE STOVE FOUNDERS' N. D. A.

"Whereas,^a There has heretofore existed a sentiment that the members of the Stove Founders' National Defense Association and the members of the International Molders' Union of North America were necessarily enemies, and in consequence a mutual dislike and distrust of each other and of their respective organizations has arisen, provoking and stimulating strife and ill-will, resulting in severe pecuniary loss to both parties; now, this conference is held for the purpose of cultivating a more intimate knowledge of each other, and of their methods, aims and objects, believing that thereby friendly regard and respect may be engendered, and such agreements reached as will dispel all inimical sentiments, prevent further strife, and promote the material and moral interests of all parties concerned.

"Clause 1.^a Resolved, That this meeting adopt the principle of arbitration in the settlement of any dispute between the members of the I. M. U. of N. A. and the members of the S. F. N. D. A.

"Clause 2.^b That a conference committee be formed, consisting of twelve members, six of whom shall be iron molders appointed by the International Molders' Union of North America, and six members appointed by the S. F. N. D. A., all to hold office from January 1 to December 31 of each year.

"Clause 3.^a Whenever there is a dispute between a member of the S. F. N. D. A. and the molders in his employ (when a majority of the latter are members of the I. M. U.), and it cannot be settled amicably between them, it shall be referred to the Presidents of the two associations before named, who is with the Iron Molders' Union of North America." [D(31)'20 Letter from Pres. Mitchell.]

In regard to the points at issue when the deadlock occurred, see the *International Molders' Journal* Ja. '21 pp. 12-14, 22-26; F '21. pp. 102-103; also N '20, p. 850; My '21, pp. 263-264, 280-281, 288-289, 290. At the April conference, the differences were composed so that the "Conference Agreements" were amended and continued in force.

^a Conference 1891. ^b Conference 1891; Amended 1910.

shall themselves or by delegates give it due consideration. If they cannot decide it satisfactorily to themselves, they may, by mutual agreement, summon the Conference Committee, to whom the dispute shall be referred, and whose decision by a majority vote shall be final and binding upon each party for the term of twelve months.

"Pending adjudication by the Presidents and Conference Committee, neither party to the dispute shall discontinue operations, but shall proceed with business in the ordinary manner. In case of vacancy in the Committee of Conference it shall be filled by the association originally nominating. No vote shall be taken except by a full committee or by an even number of each party.

"Clause 4.^c Apprentices should be given every opportunity to learn all the details in the trade thoroughly, and should be required to serve four years. Any apprentice leaving his employer before the termination of his apprenticeship should not be permitted to work in any foundry under the jurisdiction of the I. M. U. of N. A., but should be required to return to his employer. An apprentice should not be admitted to membership in the I. M. U. of N. A. until he has served his apprenticeship and is competent to command the average wages. Each apprentice in the last year of his apprenticeship should be given a floor between two journeymen molders, and they with the foreman should pay special attention to his mechanical education in all classes of work.

"Clause 5.^c The general rate of molders' wages should be established for each year without change.

"Clause 6.^c When the members of the Defense Association shall desire a general reduction in the rate of wages, or the Molders' Union an advance, they shall each give the other notice at least thirty days before the end of each year, which shall commence on the first day of January. If no such notice be given, the rate of wages current during the year shall be the rate in force for the succeeding year.

"Clause 7.^d The present established price of work in any

^c Conference 1892. ^d Conference 1892; Amended 1903.

shop should be the basis for the determination of the price of new work of similar character and grade, unless the Presidents of the two organizations, or their representatives, shall decide that the established prices of similar work in the shop are not in accord with the price of competitive goods made in the district.

"Clause 8.^e Any existing inequality in present prices of molding in a foundry or between two or more foundries should be adjusted as soon as practicable upon the basis set forth in the foregoing paragraphs by mutual agreement, or by the decision of the adjustment committee provided by the conference of March, 1891.

"Clause 9.^f New work should always be priced within a reasonable time, and under ordinary circumstances two weeks is considered a reasonable time, and such prices, when decided upon, should be paid from the date the work was put in the sand.

"Clause 10.^g The members of the S. F. N. D. A. shall furnish to their molders: Shovels, riddles, rammers, brushes, facing-bags, bellows and strike-off, provided, however, that they charge at actual cost tools so furnished, adopting some method of identification; and when a molder abandons the shop, or requires a new tool in place of the one so furnished, he shall, upon the return of the old tools, be allowed the full price charged, without deducting for ordinary wear; any damage beyond ordinary wear to be deducted from the amount so charged.

"Clause 11.^h When it is shown that the aggregate loss on account of dull iron amounts to 4 per cent. of the total value of the work poured by the molders in any one heat, it shall be deemed a bad heat, and payment shall be made for all work lost from this cause.

"When the aggregate loss from this cause is less than 4 per cent. of the total value of the work poured by the molders in any one heat, and 10 per cent. of the molders lose 10 per cent. or more of their day's work in the aggregate, on

^e Conference 1893. ^f Conference 1896. ^g Conference 1896; Amended Conference 1903; Amended Conference 1910. ^h Conference 1896; Amended 1906.

account of dull iron, then such men shall be paid for all such loss in excess of 4 per cent. of their day's work; it being understood that where more than one cupola is used, the molders receiving iron from each cupola shall be considered the same as though they were working in separate shops in making the above computation.

"Note — The following resolution was adopted at Conference of 1910.

"Resolved, 'It has been deemed unwise to adopt any sweeping resolutions covering claims which may be made for work lost by the molders throughout the entire Association by reason of alleged dirty iron. It is, however, conceded that where there is an abnormal loss of work in any specific instance, that the Secretary of the Association and any officer of the I. M. U. must promptly take the matter up for investigation, and such work lost through no fault of the molder shall be paid for in full.'

"Clause 11^{1/2}.¹ If sufficient iron is not furnished the molder to pour off his work, and such work has to remain over, he shall be paid for such work remaining over at one-half of the regular price.

"This rule shall apply, excepting in case of break-down of machinery, where no allowance shall be made.

"Clause 12.¹ Whenever a difficulty arises between a member of the S. F. N. D. A. (whose foundry does not come under the provisions of Clause 3, 1891 Conference) and the molders employed by him, and said difficulty cannot be amicably settled between the member and his employees, it shall be submitted for adjudication to the Presidents of the two organizations or their representatives without prejudice to the employees presenting said grievance.

"Clause 13.¹ In pricing molding on new stoves where there are no comparative stoves made in the shop, the prices shall be based upon competitive stoves made in the district, thorough comparison and proper consideration being given to the merits of the work according to labor involved.

"Clause 14.^k Stove manufacturers members of the S. F.

¹ Conference 1909. ^j Conference 1898. ^k Conference 1899; Amended 1910.

N. D. A., shall furnish in their respective foundries a book containing the piece prices for molding, the same to be placed in the care of the foreman of the foundry and a responsible molder agreeable to both employer and employees, said book to be placed in a locker on molding floor, to which the foreman and the molder so selected shall have free and independent access.

"Clause 15.¹ The general trend of industrial development is towards employing skilled labor, as far as practicable, at skilled work, and in conformance with this tendency, it shall be the policy in shops of members of the S. F. N. D. A. to discontinue the present practice of molders wetting and cutting sand, dumping out and trimming castings; this work to be done and paid for by the firms, who shall regulate the molding and pouring time as seems best to them, agreeing, however, to furnish the last ladle of iron to be poured, within eight hours from the starting of the eight hour work day; failing in this, to pay time and one-half time at the minimum day rate agreed to between the two associations for time in excess of eight hours.

"Each molder will give the shaker-out instructions as to the amount of water and new sand required.

"When in the morning the molder finds his instructions to the sand cutter have not been carried out, he shall notify the foreman and the foreman shall be responsible for putting the sand in condition immediately, and if the firm has the molder put any or all of the sand in condition, the molder shall be paid for the time consumed at the rate per hour that he earned during the molding period the previous day.

"Whenever it becomes necessary for a molder to shake out his floor, because of lack of labor to do this work, he shall be paid for this work, time and one-half on the basis of the minimum day wage agreed to between the two associations.

¹ Conference 1902; Amended Conference 1916; Amended Conference 1918; Amended Conference 1919; Amended Conference 1921. ^m Conference 1902; Amended Conference 1916; Amended Conference 1918; Amended Conference 1919.

" Clause 16.^m Inasmuch as it is conceded by the members of the S. F. N. D. A. that the earnings of a molder should exercise no influence upon the molding price of work which is set, according to well-established precedent and rule of conference agreements, by comparison with other work of a like kind, the placing of a limit upon the earnings of a molder should be discountenanced in shops of members of the S. F. N. D. A.

" Clause 17.ⁿ When a full floor of new work is given a molder he should be guaranteed the day-work rate of pay for the first day, in order that he may be given an opportunity to get the job in good running order for piece work; if, however, the molder should earn more than the day-work rate, he should be paid his full earnings.

" Clause 18.ⁿ Where a change of job is made, the molder often loses considerable time and is put to great inconvenience through the necessary clamps, boards and other facilities needed for the job not being supplied to him promptly. We believe that in well-regulated shops that should be made a feature of the shop management and should be a subject of favorable recommendation to the members of the S. F. N. D. A.

" Note — Conference of 1910 construed the word facilities to mean the prompt delivery on the molder's floor of all patterns, except the first pattern in the morning, and with all the necessary boards, flasks, clamps, gates, tins, chaplets, cores, etc., required to make the work.

" Clause 19.^o The International Molders' Union of North America shall not itself nor by any of its agents in any manner discriminate against the goods manufactured or sold by any member of the Stove Founders' National Defense Association, because of the unwillingness of such member of said Association to use the Union Label, and that a copy of this resolution be duly attested by the Presidents and Secretaries of the respective organizations, with the seal of each organization attached thereto, and a facsimile thereof be furnished each

^m Conference 1902. ^o Conference 1904.

member of the Stove Founders' National Defense Association and each Local of the International Molders' Union of North America.

" Clause 20.^o When the price of piece-work has been agreed to between a member of the S. F. N. D. A. or his representative and a price committee representing the molders in his shop, that such prices shall be reduced to writing at that time, and shall be final and binding.

" Clause 21.^p The general ratio of apprentices to journeymen molders employed in the foundries of the S. F. N. D. A. shall be one to five, and one to each shop; provided, however, that whenever a member of the S. F. N. D. A. finds he cannot secure the number of molders he may require for the needs of his business, the question shall be referred to the Presidents of the two Associations, or their representatives, for investigation and relief. If it is found that the member of the S. F. N. D. A. is entitled to relief he shall be allowed such additional number of apprentices as shall be mutually agreed upon.

" The number of apprentices shall be computed upon the number of floors being operated by journeymen molders, it being understood that when the force of molders is increased, said increase shall have been in existence not less than eight weeks previous to the employment of additional apprentices.

" In shops where the ratio at present is more than one to five, the ratio agreed upon shall be reached by refraining from placing new apprentices at work until such time as the apprentices employed shall have been reduced to the proper number, and that in the shops where the present ratio is less than one to five, no journeyman molder shall be discharged or laid off for the purpose of supplanting him by an additional apprentice.

" Clause 22.^p Molders who may be employed as ' Cat Skinners ' shall receive fifteen per cent. premium on the piece price for the first three days; and thereafter, while employed on the same job, shall be paid the regular rate of piece prices.

“By ‘Cat Skinner’ is meant only such molder as is temporarily employed to work on a floor that is temporarily vacant through the absence of the molder who is regularly employed upon said floor.

“Clause 23.^p Recognizing the desirability of introducing new methods and machines in stove foundries, it is agreed by the conferees of the I. M. U. of N. A. and of the S. F. N. D. A. that such processes are entitled to and should have consideration in fixing prices and wages.

“Clause 24.^p When a stove is to be priced, a list shall be furnished the committee of all pieces that belong to the stove, whether some of such pieces have been priced previously or not, so that the committee shall know what pieces go with the stove, and such pieces as have been already priced can be so marked, and all prices, when agreed upon by a committee of molders and a representative of the employer, to be dated and signed by both parties.

“Clause 25.^q When new sand is needed, it shall be delivered to the molders’ floor free of charge.

“Clause 26.^r When a board is priced with a dead-head and the dead-head is taken out, the full board price shall be paid unless something of a similar character is substituted, or the board may be repriced. [Clause 27 repealed.]

“Clause 28.^s The net cash piece prices as per Base Sheets hereto attached, original copies of which are filed with the Officials of both Associations, be accepted and this basis to apply in pricing new or unpriced work on hand squeezer, hand arcade, modern and similar machine work in all shops under the jurisdiction of the S. F. N. D. A.

“Second — Prices already set on machine plates shall not be disturbed by the new basis.

“Third — Sets of plates for comparison shall be made and sent to members’ foundries before the pricing of plates in that shop will be taken up, and a two weeks’ notice should be given to the member of the S. F. N. D. A. before the pric-

^p Conference 1905. ^q Conference 1907. ^r Conference 1909. ^s Conference 1914; Amended Conference 1916; Amended Conference 1919.

ing of plates in his foundry can be taken up by the representatives of the two Associations.

"Fourth — Power squeezers shall be considered as equivalent to the hand arcade modern molding machine.

"Fifth — The placing on or taking off of vibrator attachments on machines shall not affect the board prices.

"Sixth — In pricing plates no distinction shall be made as between cast iron or aluminum plates.

"Seventh — Three per cent will be deducted from board prices when roll up flasks and roll up match plates are used.

"Eighth — When work is printed back an addition of five per cent. will be added to the board price.

"We designate as a machine, primarily, the simple squeezer, when match plates are used, considering this the lowest type of machine.

"Such machines are to be regularly operated by journeymen molders or apprentices, but in the event the shop management cannot secure such services out of its regular force, then relief shall be given to it in the manner provided for in Paragraph 1, Clause 21, Conference 1905.

"Clause 29^t Six dollars shall be the established minimum day's wage for all day work molders, and molders working by the day at coremaking in the shops of the members of the S. F. N. D. A.

"Beginning May 2, 1921, the prevailing day rate as established by the I. M. U. of N. A. in the district shall apply.

"Where members have employed molders during the last six months of 1920 at the minimum of \$6.32½ per day, the above shall not apply, but where the members are paying a rate less than the prevailing day rate as established by the I. M. U. of N. A., in the district, no reduction shall be made.

"Note. The local union shall allow an old, or physically incapacitated molder, to work for such wage as may be mutually agreed upon between him, his employer and the local union.

"Beginning May 2, 1921, the molding prices of all work in shops of the S. F. N. D. A. shall be reduced 15 per cent on the

^t Conference 1916; Amended Conference 1917; Amended Conference 1918; Amended Conference 1919; Amended Conference 1921.

prices paid at the present time. Where the percentage is at present 125 per cent on list, this reduction will make the percentage $91\frac{1}{4}$ per cent, or its equivalent."⁴⁸

Resolutions.—In addition to the "Conference Agreements," resolutions have been adopted at the conferences. These resolutions have formulated rules governing shop conditions, and in brief provide for: payment of previous day's wages to a molder taken off his regular work, weekly payment of wages, the stamping of board prices upon the bottom board or match plates, the pricing of machine work on broad grounds instead of trifling details, prompt fixing of prices on new work, prompt settlement of minor shop disputes, recognition of the coremaker as a molder, a commission to set a basis for the pricing of cores, and an order against changes of prices by individual members.⁴⁹

The Association avoids strikes by not taking into membership firms that are continually having trouble with their employees,⁵⁰ just as a fire insurance company avoids fire losses by refusing to insure "fire-trap" buildings, especially when owned or occupied by careless persons. The degree of success of the Association in this matter is shown by the fact that from 1886 to 1900, the average annual expenses of the Association did not exceed \$4,000. Probably the most expensive strike combated by the Association during this period was in Rochester in 1891, and this cost the organization only about \$6,000.⁵¹ Of course, the Association employs a rather inexpensive method of combating strikes in most cases, at least so far as its expenditures are concerned.

Dominance of the Association.—The Association to a great extent dominates the entire stove industry of the United States in the matter of wages and working conditions, since it and its sister organization,* the National Association of Stove Manufacturers, control from 75 to 80

* "The Association is not in any way allied with the National Association of Stove Manufacturers, but nearly all members belong to that

per cent of the product of the industry directly;⁵² and through the molders' union determine wages and prices for the outsiders. Piece prices are regulated by those in the competitive area, so that outside competitors can obtain no advantage in wages over Association founders. In fact, outsiders try to settle on the basis fixed by the Association and govern both their piece prices and the prices of their products by those of the Association.⁵³ In regard to the union and the Association making piece prices for the entire stove industry of the United States, Mr. Hogan, when Secretary, testified: "Of course we have nothing to do with people not in our membership, but we decide for our membership, and they must pay it; they must accept this agreement, which they do, and that becomes the basis for the whole country. The molders' union takes care of that. They insist that everybody will be governed by the agreement of the defense association."⁵⁴

Interrelations.—The relations of the S. F. N. D. A. to other associations are rather limited. It is closely interrelated to the National Association of Stove Manufacturers: most of its members belong to the latter organization;⁵⁵ and the two organizations have had at times a number of officers in common.⁵⁶ With the National Civic Federation, the Association has had friendly relations.⁵⁷ But in the past decade, it has had strained relations with the National Founders' Association. There is bitter rivalry between these two organizations. The National Founders' Association charges the S. F. N. D. A. with having forced its members to adopt the closed shop and with having conspired with the unions in restraint of interstate commerce.⁵⁸ * Some of its members, also members of the National Association of Manufacturers, have shown them-

Association, which does not handle labor matters." So says President Mitchell in his letter of Dec. 31, 1920.

* President Mitchell says, "It is news to me that the National Founders' Association ever charged us with having conspired with the

selves to be more in sympathy with the latter organization than with the negotiatory policy of the former organization. Undoubtedly, one of its members, James W. Van Cleave, attempted to make the S. F. N. D. A. belligerent, especially while he was President of the National Association of Manufacturers.⁵⁹

Unions in restraint of Interstate Commerce, and furthermore, while the two Associations employ different methods, there is not the bitter rivalry you state." [D(31)'20 Letter.] However, a reading of the *Reviews* cited in the reference (58) seems to give an impression of a lack of friendliness between the two associations.

REFERENCES

- ¹ See Orth in F '13 *World's Work* 434; also Carlton: History and Problems of Organized Labor, 246-249; Same, 1920 Ed., 304-307; Commons: Trade Unionism and Labor Problems, Ch. 1; Bulletin No. 62, U. S. Bureau of Labor, 124-196, (Abv. **Bul 62 U S B L**). ² Manual, S. F. N. D. A. 1920, pp. 27-28, (Abv. **Manual**); Industrial Relations, Final Report and Testimony, U. S. Commission on Industrial Relations, 511, (Abv. **Ind Rel**). ³ Manual 5. ⁴ Manual 7, 27-28. ⁵ Ind Rel 550. ⁶ Ind Rel 518; Interview. ⁷ Manual 6-14. ⁸ Manual 14-15. ⁹ Manual 5. ¹⁰ The Stove Founders' National Defense Association—What It Is, What It Has Done, What It Aims to Do, 4-5, (Abv. **What**). ¹¹ Manual 7-8. ¹² Manual 8. ¹³ Manual 13-14. ¹⁴ Interview. ¹⁵ Ind Rel 512. ¹⁶ Manual 11; see also Ind Rel 512. ¹⁷ Manual 13. ¹⁸ Manual 3. ¹⁹ Manual 3; What 2; see also Industrial Conciliation, Report of the Proceedings of the Conference . . . National Civic Federation, 1901, p. 179, (Abv. '01 **N C F**); Ind Rel 510-511. ²⁰ What 5-9. ²¹ Manual 3. ²² Mr (15) '07 *American Industries* 20. ²³ Labor Troubles—A Review of the Labor Affairs of the Buck's Stove and Range Company and Its Relation to the Stove Founders' National Defense Association, June, 1902, to April, 1906. (Abv. **Labor**). ²⁴ Ind Rel 513. ²⁵ Je '14 *Review* (N F A), 259-260; Ind Rel 522-523. ²⁶ My(9)'18 *The Iron Age*, 1249. ²⁷ Limiting Federal Injunctions, Hearings before the Committee on the Judiciary, U. S. Senate on H R 23635, 1913, p. 395, (Abv. '12 **S I H**). ²⁸ Manual (1912) 29-30. ²⁹ Manual 15-16. ³⁰ Manual 17, 20-21; Ind Rel 511. ³¹ Manual 17-19. ³² Manual 15-21. ³³ Manual 23. ³⁴ Manual 22. ³⁵ Manual 25. ³⁶ Manual 22. ³⁷ Bul 62 U S B L 190. ³⁸ Ind Rel 512-514; Letters. ³⁹ Conference Agreements between the S. F. N. D. A. and the I. M. U. of N. A., 1921, (Abv. **Conference**). ⁴⁰ Conference 2. ⁴¹ Manual 12. ⁴² Bul 62 U S B L 189; Interview.

⁴³ My(12)'17 *American Artisan and Hardware Record*, 25, (Abv. **Record**). ⁴⁴ Conference. ⁴⁵ Bul 62 U S B L 154-155. ⁴⁶ Manual 24-25. ⁴⁷ D(22)'17 *Record* 46. ⁴⁸ Conference 1-13. ⁴⁹ Conference 14-16. ⁵⁰ U. S. Industrial Commission, Report on Relations and Conditions of Capital and Labor . . . Vol. 7, p. 868, (Abv. **Ind Com**). ⁵¹ Ind Com 7: 864. ⁵² Ind Rel 518; Interview. ⁵³ Ind Com 7: 868. ⁵⁴ Ind Com 7: 866. ⁵⁵ Ind Rel 511; Interview. ⁵⁶ Ind Com 7: 860; Ind Rel 511; My (12)'17 *Record* 25-29. ⁵⁷ '01 N C F 176-187. ⁵⁸ F '09 *Review* 7-13; Mr '09 *Review* 5-12; Au '09 *Review* 39; D '14 *Review* 568. ⁵⁹ Labor; see also Eight Hours for Laborers on Government Work, Hearings before the Committee on Education and Labor, U. S. Senate, 1902, p. 157.

CHAPTER III

THE NATIONAL FOUNDERS' ASSOCIATION

THE National Founders' Association is in the general field of the foundry industry — principally machinery manufacturing and jobbing — while the Stove Founders' National Defense Association is in the special field of stove manufacturing. The former field is highly competitive, the latter monopolistic. Primarily as the result of these contrasting conditions, the National Founders' Association is "an aggressive open shop organization," while the Stove Founders' National Defense Association is negotiatory in that it deals directly with the International Molders' Union.

Although no noted student of labor problems has regarded the N. F. A. as affording a solution of the labor problem, as has been the case with the S. F. N. D. A., yet the former has persisted and grown in importance in the foundry industry, especially in the past few years, while the latter has declined. The N. F. A., although originally modeled after the S. F. N. D. A., as a negotiatory organization, has profoundly influenced the latter organization. For instance, the Declaration of Principles of the S. F. N. D. A. resembles the Outline of Policy of the N. F. A. and was adopted at a more recent date.

Membership.— The National Founders' Association has as members,* in the territory east of the Rocky Mountains

* "Membership in the National Founders' Association is purely voluntary. There is no dictation to the members as to the policies they shall pursue; they are free to adopt such plans for their employees as in their judgment seem best. On the other hand, the Association most emphatically approves the open shop plan of operation. Its Out-

in the United States and Canada, (September, 1921) 656 of the largest foundry and manufacturing institutions which conduct foundries in these countries.¹ In 1912, the total capitalization of its members' establishments was stated to be between \$400,000,000 and \$500,000,000 in which plants a total of from 400,000 to 500,000 workmen were employed.² At the present time, "no statistics are available showing the amount of capital represented, or the total number of employees, but the average number of skilled foundry mechanics reported the past few years is between 30,000 and 35,000."³

The N. F. A. is distinctly a unit organization, having neither locals nor branches. Its Constitution provides that "There shall be ten districts with a District Committee of five members in each." There are, however, only eight districts in which it has members. Its general office, located in Chicago, its eastern offices located in New York City and Washington, D. C., and the President's office, located in the city where the President resides (now at Buffalo), conduct practically all of the business of the Association.⁴

Government.—It functions through an Administrative Council, a President, a Vice-President, a Treasurer, a Secretary, and a Commissioner.* The Administrative Council is composed of the President, the Vice-President, and the

line of Policy states clearly those principles which it believes necessary for the fair and successful conduct of a business as regards both employer and employee. If, in the establishment of these principles, a member seeks the aid of the Association, then such aid is given in a practical and scientific manner." [D(15)'20 Letter.]

* Although the real executive officer in labor troubles is the Commissioner, Ex-President Briggs, now retired, was formerly the dominating figure in the Association. Contrary to the usual policy of associations, he was paid a large salary, but, unlike most of the presidents of other associations, he has had a long experience in combating strikes, having been for a period of years the Commissioner of the Association, and his retention as President, in reality gave the Association two highly successful and experienced commissioners. [On this point, see *December Reviews*, 1908-1916.]

chairmen and vice-chairmen of the different districts. With the exception of the Commissioner, all the officers, including the district committee members, are elected at the annual meetings of the Association in November, and on a voting basis of one vote for each \$100 paid by the member in assessments. The Commissioner is appointed by the President with the approval of the Administrative Council. The Council has charge of all matters relating to the prevention and settlement of labor difficulties. It makes assessments, and has power to appoint committees from its own number and to delegate to such committees all necessary powers. In fact, it is invested with the powers and duties of governing the Association between annual meetings.⁵

Obligation of Members.—The Constitution provides that "All members of this Association shall make, execute and acknowledge in writing an agreement, or obligation, in words and manner following, to-wit:

"We, the undersigned, being foundry operators, do hereby covenant and agree to and with each other, and every person composing the membership of The National Founders' Association as follows:

"1st. In consideration of fair dealing being a cardinal principle of this Association, we pledge ourselves to protect any of our fellow members who may require our support against any unjust demands of labor organizations and to endeavor to settle all disputes amicably.

"2nd. We bind ourselves to obey the Constitution and By-Laws and all rules made in conformity with the same, provided they do not conflict with the laws of the Country, State or Province in which we do business."⁶

Dues and Funds.—The By-Laws require that "On admission, new members shall pay to the Reserve Fund such sum in proportion to the unexpended balance of the fund, as the number of molders, molding machine operators and coremakers they employ bears to the total number employed by all members, according to the average of the

two quarterly reports last preceding, and such additional fixed amount as the Administrative Council may from time to time determine." ⁷

"In 1911, by resolution, the Administrative Council substituted for this reserve fund payment an arbitrary initiation fee as follows: 'For each floor molder, \$2.50; for each bench molder and coremaker, \$1.87½; for each apprentice, molding machine operator or specialty molder not skilled in the general trade, \$1.25.' " ⁸

For the support of the Association, members are assessed in accordance with the number of molders, coremakers, and apprentices employed. The schedule is: For journeymen floor molders, monthly 60¢ a man; for journeymen bench molders and journeymen coremakers, monthly 50¢ a man; and for molders' apprentices, specialty molders not skilled in the general trade of molding, molding machine operators, unskilled coremakers and coremakers' apprentices, monthly 40¢ an employee. The minimum quarterly assessment is \$25 for any one plant, or \$100 a year. ⁹

Its Objects are set forth in its Constitution as follows:

"1st. The adoption of a uniform basis for just and equitable dealings between the members and their employees, whereby the interests of both will be properly protected.

"2nd. The investigation and adjustment, by the proper officers of the Association, of any question arising between members and their employees." ¹⁰

Or, as more recently stated:

"The object of this Association is to maintain such harmonious relations between workmen and employers, especially in foundries, as will enable the employing companies to pay reasonable wages and to provide reasonably steady work, and at the same time, provide dividends on the capital invested." ¹¹

Evolution.—"While the Association stands for the open shop and enters into no union agreements, it was at first a negotiatory organization formed specifically for deal-

ing with the Iron Molders' Union. Prior to 1898, the machinery and jobbing foundries had been continually involved in labor difficulties."¹² "Unreasonable demands that could not be conceded by foundrymen were of such frequency that an organization was absolutely necessary."¹³ So bad was the situation, it is said, that a trade-union official suggested to the machinery foundrymen that they should organize in order to lessen the troubles.¹³

According to Mr. Frank, one of its early presidents, the Association was formed under conditions, in brief, as follows: The machinery foundrymen had come to realize that they were isolated and struggling alone, each endeavoring to adjust his difficulties as best he could, sometimes meeting with success, sometimes with failure, with strikes the order of the day. At a meeting of a local foundrymen's association in Detroit, Mr. Martin Fox addressed the founders on the need of a national organization of machinery foundrymen in order that trade agreements might be drawn up on a national scale and better enforced. The Stove Founders' National Defense Association was cited as having a satisfactory working arrangement on a national scale, in fact, it was held forth as a model organization by which strikes had been prevented and the industry had obtained peace. Mr. William H. Pfahler, of the Abram Cox Stove Company of Philadelphia, and one of the leaders of the S. F. N. D. A., also spoke very favorably of that arrangement, and urged the machinery foundrymen to organize and negotiate a similar agreement. Mr. Pfahler had a large acquaintance among the machinery foundrymen. Acting on his suggestion, a limited number of the foundrymen met to consider the situation.¹³ They "appointed a committee of three who, with Mr. Pfahler's assistance were to formulate a plan for a defense association, whereby the foundry could be put on a progressive basis without the annoyance, inconvenience and expense caused by labor difficulties."¹⁴

So on January 26, 1898, a few foundrymen met in New York and organized the National Founders' Association. The Association, therefore, was not formed for the purpose of opposing the union, but "with the distinct understanding and the knowledge that a labor organization existed, had a right to exist; that men had a right to join each other for their mutual benefits," and that this right should be recognized.¹⁵ It was in accordance with this principle that the New York Agreement was formulated by committees of the Iron Molders' Union and the Association, and officially adopted by both organizations. It was adopted with the purpose of settling pending troubles and promoting peace and harmony between the molder and the foundryman. It provided for conferences and negotiation, and prohibited a cessation of work by either side to a controversy until the matter in dispute could be considered fully.¹⁵

The New York Agreement reads as follows:

"New York Agreement in Force and Ruling Between the Iron Molders' Union of North America and the National Founders' Association.

"Conference 1899. *Whereas*, The past experience of the members of the National Founders' Association and the Iron Molders' Union of North America, justifies them in the opinion that any arrangement entered into that will conduce to the greater harmony of their relations as employers and employees, will be to their mutual advantage; therefore be it

"Resolved, That this Committee of Conference endorse the principle of arbitration in the settlement of trade disputes, and recommend the same for adoption by the members of the National Founders' Association and the Iron Molders' Union of North America, on the following lines:

"That in the event of a dispute arising between members of the respective organizations, a reasonable effort shall be made by the parties directly at interest to effect a satisfactory adjustment of the difficulty; failing to do which, either party shall have the right to ask its reference to a Committee of Arbitration which shall consist of the Presidents of the Na-

tional Founders' Association and the Iron Molders' Union of North America, or their representatives and two other representatives from each Association appointed by the respective Presidents.

"The findings of this Committee of Arbitration, by a majority vote, shall be considered final in so far as the future action of the respective organizations is concerned.

"Pending adjudication by the Committee on Arbitration there shall be no cessation of work at the instance of either party to the dispute. }

"The Committee of Arbitration shall meet within two weeks after reference of the dispute to them." ¹⁶

Break-Down of the New York Agreement.— At first, much was expected from the New York Agreement by both sides.¹⁷ It operated, however, only with increasing friction during the time it was in force. Its continued violation by the union members led to the adoption by the Association of its present Outline of Policy, and finally resulted in the abrogation by the Association of the Agreement in November, 1904.¹⁸ In the course of its operation, matters became so complicated that each side began to mistrust the other. To an outsider, the issues seem to have become badly confused. The Association claims, with apparently sound reasoning, that the refusal of the Union to arbitrate the questions which could not be settled by conferences and negotiation, caused the break-down of the Agreement. The Union contends that the Association was attempting to force the piece-price system upon the molders in the place of day wages.¹⁹ The points at issue are embodied in the Outline of Policy, and a glance at that will show that the issues were many. The following excellent statement of the causes of the break-down of the Agreement has been given by an Association official; among which causes should be noted that the Agreement failed to provide a method of breaking a deadlock in the negotiations:

"It will be noted, however, that in all disputes the adjust-

ment committee to be appointed was to be composed of an equal number of members appointed by each organization, with no provision for an impartial arbitrator, and this proved to be the stumbling block in the settlement of the disputes which followed. In all disputes that assumed any major importance, the conferences resulted in a deadlock. Finally in November, 1904, following a strike at Utica, N. Y., the National Founders' Association served notice on the Iron Molders' Union that the agreement was to be abrogated.

"The issues which resulted in the abrogation of the agreement, as was to be expected, were somewhat confused. The Association claimed that the refusal of the union to arbitrate the questions, which could not be settled by negotiation caused the disruption. The Association also quoted a large number of cases where the agreement had been violated by the different local unions and the national union had made no attempt to discipline the offending members.

"Some of the cases were trivial. In nearly all of them the national officers of the union did apparently make a sincere attempt to induce the men to return to work pending conference, and the return in many instances was actually accomplished. Where, however, the local body was strong enough numerically or financially to defy the national union, trouble resulted. A particular case cited by the Association was a strike in Chicago in 1901, where the Chicago molders repudiated an agreement and went on strike. A year later, while the strike was still in progress, the national convention of the Iron Molders' Union at Toronto allowed a bill for \$5,000, presented by the Chicago local for strike expenses in consideration that the strike should be called off.

"There were many other issues that contributed to the abrogation of the agreement. As early as 1900, the Association had adopted resolutions at Detroit which, while reaffirming its belief in the good to be accomplished by the New York Agreement, embodied open shop principles as to methods of wage payments and the control of the molding machine and had endeavored ever since that date to arrive at a working agreement with the union which would provide for eliminating certain union restrictions. The points at issue are all embodied

in the Outline of Policy which was formulated before the final break." ²⁰

Time and time again, the Association has stated that it has given the theory of collective bargaining a fair trial. "To this end, seven years of energetic, painstaking, able and conscientious work were devoted by the most representative class of employers of foundry labor in the United States and Canada. Over 2,500 conferences were held between the molders' union and its representatives and the National Founders' Association and its representatives. An experience covering seven years' work for this purpose proved conclusively that the union of iron molders did not at any time propose to recede an iota from its determination to enforce its strictly closed-shop constitution and by-laws" ²¹ — "rules and regulations which it had adopted for its guidance 'as far back as 1858. The failure of the union to appreciate the progressiveness of the age necessitated the adoption by the N. F. A. of an entirely independent policy." ²² Undoubtedly the succession of Mr. Joseph Valentine to Mr. Martin Fox as president of the union had much to do with the change in policy, for Mr. Fox was always esteemed highly by leaders of the Association, while Mr. Valentine has been regarded as socialistic.²³ That the Association is entirely satisfied with its open-shop policy is evident from an official reaffirmation of that "Policy" after a ten-year period of operation under it,²⁴ and from the fact that it has consistently governed its conduct in accord with that policy for over sixteen years.

The "Outline of Policy" is as follows:

"Limitation of Output. Arbitrary limitations of output on the part of the molders or arbitrary demands for an excessive amount of output by the molders on the part of the foundrymen, being contrary to the spirit of equity which should govern the relationship of employer and employee, all attempts in that direction by either party — the molders or foundrymen — are to be viewed with disfavor and will not receive the sanction of this Association.

"Limitation of Man's Earning Capacity. Inasmuch as certain practices insisted upon by labor organizations tend toward counteracting the energy, ability, inclinations and opportunity of molders to earn greater compensation than they are now receiving, it shall continue to be the policy of the Association not to permit the limitation of a man's earning capacity whether he is working by the day, by the piece or premium system, thus protecting our workmen in a desire to improve their condition.

"Fines and Restrictions. Believing the action of labor organizations in inflicting upon their members fines and punishments for accepting opportunities of advancement and increased earnings offered by the foundrymen, is a practice tending toward a deterioration of the ability of the individual workmen this Association hereby reaffirms its determination to prevent the imposition of fines and restrictions placed on a molder for the purpose of handicapping him or retarding him in any way from putting forth his best efforts to produce the best quality and quantity of work in the shortest time and receiving a proportionate compensation.

"Methods of Employment. Employees will be paid by the hourly rate, by premium system, piece work or contract, as the employers may elect, and the workmen so employed will be required to give a fair day's work for a fair day's pay.

"Freedom of Employment. It is the privilege of the employee to leave our employ whenever he sees fit, and it is the privilege of the employer to discharge any workman when he sees fit.

"Relations of Employees. Every workman who elects to work in a foundry of a member of this Association will be required to work peacefully and harmoniously with his fellow employees, and to such workmen the freedom of employment shall not be denied.

"Apprentices. The number of apprentices, helpers and handy men to be employed will be determined solely by the requirements of the employer.

"Appliances. It shall be the right of the foundryman to introduce molding machines and appliances of any kind, and to have the same operated by whomsoever he finds to his best advantage to employ thereon.

"Strikes and Lockouts. Disapproving absolutely of strikes and lockouts, the members of this Association will not arbitrate any question with men on strike. Neither will this Association countenance a lockout on any arbitrable question unless arbitration has failed.

"Arbitration. The above principles being absolutely essential to the successful conduct of our business, they are not subject to arbitration.

"In case of disagreement concerning matters not covered by the foregoing announcement we advise our members to meet their employees either individually or collectively and endeavor to adjust the difficulty on a fair and equitable basis.

"Method of Arbitration. In case of inability to reach a satisfactory adjustment we recommend that the question be submitted to a Board of Arbitration consisting of two of the employees and two persons engaged in the management of the firm or corporation involved, and in case they fail to reach a satisfactory agreement within seven working days a fifth member shall be chosen by these four and the majority report of the Board so constituted shall be final and binding.

"In order to receive the benefits of arbitration the employee or employees must continue in the service and under the orders of the employer pending a conference and decision.

"In case any member refuses to comply with this recommendation within thirty days after the dispute arises he shall be denied the support of this Association unless it shall approve the action of said member.

"Wages. Employers shall be free to employ foundry operatives at such wages as may be mutually agreed upon, said rates to be governed by local or shop conditions.

"In the operation of piece work, premium plan or contract system now in force or to be extended or established in the future, this Association will not countenance any conditions of wages which are not just or which will not allow a workman of average efficiency to earn at least a fair wage." ²⁵

Methods and Activities; Procedure in Labor Difficulties.—Members are required to notify the Commissioner promptly of any trouble that arises between them and their

employees. In case of a difficulty between a member and his employees, he must notify immediately the Commissioner in writing, giving full details of the case, and the Commissioner, or his representative, must attempt to make an adjustment of the case as soon as possible. "By asking the aid of the Association the member places the matter in its charge and binds himself to carry out any decision made by the Administrative Council or those acting under its authority and pending the decision of the matter, he must not make any settlement or discharge the workmen, without the consent of the Administrative Council." ²⁶

Combating Strikes; Methods and Activities.— Should all efforts to adjust the difficulty fail and a strike occur, the Association usually secures workmen to operate the struck shop. However, three distinct methods of relief are provided for in the Constitution. They are:

"1st. By procuring workmen for him to the extent of 70 per cent of the average number he employed, according to the last two quarterly reports preceding the strike.

"2nd. By having the work done for him elsewhere, to the extent of 70 per cent of the amount produced at the time of the last quarterly report.

"3rd. By giving him compensation in money, the amount to be fixed, varied and terminated at the will of the Administrative Council, and in no case to exceed \$2.00 per man per day to the extent of 70 per cent of the average number he employed, according to the last two quarterly reports; provided, however, that the first and second of these methods shall not be employed without the consent of the member." ²⁷

The ordinary method of operation has been to employ a few good molders at the struck plant,²⁸ to fill the balance of the floors with green men recruited from the locality in which the shop is located,²⁹ and to have an instructor teach them molding.³⁰ The Association keeps regularly in its employ under yearly contract a limited number of high-grade molders and coremakers,³¹ who work in normal times in the

shops of some of the members, but in case of a strike are ready to go where the Association directs and to instruct the green hands how to do special kinds of molding.³² Molding machines are also installed and operated by relatively unskilled men, who are taken from other jobs in the shop, or secured through the Association's labor bureaus.³³ This system was inaugurated in 1904,³⁴ and has proven to be a highly effective method of combating strikes.³⁵ It proved successful in the wide campaign of the union against the Association in 1906, and enabled the Association to combat strikes in 35 towns where 3,251 molders struck in 1919.³⁶ This system makes it wholly unnecessary for the struck employer ever to employ any of the strikers; in fact, the usual procedure is for the employer to refuse to have any more dealings whatever with the more radical men who strike his shop. This action contributes much to the prevention of another strike soon, as the shop is thus "cleaned" of union men. Moreover, the employer is required by his contract with the Association to maintain an open shop for one year after conditions become normal in his shop following a strike.³⁷

The Association engages in various other strike activities, particularly in a violent strike. The character of the molder's work is such that he is generally physically strong and does not hesitate to engage in a personal conflict with those he designates as "scabs." Moreover, professional sluggers among closed-shop unions are by no means rare. In order to protect the men who desire to remain at work in the struck shop against brutal assaults when violence is practiced by the strikers, the Association has found it necessary to take measures to offset such unlawful activities. Police protection is usually obtained on request or by repeated efforts and pressure,³⁸ but in especially violent strikes, the Association is constrained to employ guards to protect the shop and non-union men who work therein, both at the

shop and on their way to and from the shop. For this guard service, the Association tries to get men in the locality of the struck shop to serve, but if this fails, guards are imported. Injunctions have also been issued in such cases, having been obtained on advice of the Association leaders, or through the counsel of the Association.³⁹ In the more violent cases, the Association has found it necessary to pay large bonuses to nonunion molders,⁴⁰ and to have the firm furnish meals and sleeping quarters in the plant for the workmen. Every point must be watched then, as the men within the plant are prone to become nervous, notably when attempts are made to bribe the cook to drug or poison the food; and such watchfulness is very expensive.⁴¹

The strike-breaking record of the N. F. A. in the past few years, shows great variations. In November, 1916, the N. F. A. was combating strikes in the shops of 29 members, from which 1,231 molders and coremakers were on strike. During the year 1917 the Association gave support to 10 of these shops, and also combated strikes for 13 other members located in 12 towns, with 572 molders and coremakers on strike. In November, 1917, the N. F. A. was combating strikes for 17 members in 12 towns, from whose shops 954 molders and coremakers were on strike. During the year 1918, the Association combated strikes for 13 members in 9 towns, from whose shops 342 molders and coremakers were on strike; and in November, 1918, strikes were on in the shops of only 8 members with 351 molders and coremakers on strike, but during the year 1919, it was combating strikes for "67 additional members located in 35 towns, from which 3,251 molders and coremakers went on strike." At one time in the latter part of 1920, "the Association was assisting in combating strikes in the shops of 46 members, located in 25 towns, from which 1788 molders were on strike. During the year the Administrative Council authorized that support be given to 28 additional members, located in 23 towns from which 1391 molders

were on strike, making a total of 74 shops given aid this year. Of the above number, 54 shops are on a normal basis, and 20 shops are being given a limited assistance." "Between Nov. 1, 1920 and Sept. 1, 1921, 9 members have asked for support, in which 440 men were involved."⁴²

For the purpose of being better able to combat strikes, the Association moved its main office to Chicago, and the Commissioner and Secretary are now at the same office. This move was made because, "A few years after the Association was organized, . . . it developed that Chicago was a more resourceful place to secure men than Detroit."⁴³ The Association was compelled to open and maintain an office in Chicago on account of this condition,⁴³ and the establishment later of the main office there was simply a matter of efficiency.

Members are kept informed of the situation in strikes, when such threaten to concern them.⁴⁴ Information and advice are supplied by letters from time to time and by the *Open Shop Review*.

In order to prevent desertions by the nonunion men in the struck shop when these are told by the union leaders that the shop will be unionized and all "scabs" discharged, notices similar to the following have been posted in the shop:

"NOTICE. This foundry will be operated hereafter strictly as an 'OPEN SHOP.' Competent molders will receive fair treatment, good wages and steady employment, based wholly on merit and efficiency.

"No 'shop committee' will be allowed to dominate our factory; no restriction of output will be tolerated.

"Worthy boys who desire to apprentice themselves to the molders' trade, without union restrictions, will be encouraged.

"If any of our desirable former employees, who left our employ at the time of the strike, . . . on our refusal to sign a 'closed shop agreement' desire to return to work, they can do so on the above conditions and no other.

"We make this statement public and emphatic so that any

of our loyal molders, with whom we have no dispute, will know exactly what to expect if they care to return to work."⁴⁵

In order that the nonunion men may at no time in the strike have any grounds for fearing that they will later be replaced with union men, the foundrymen have refused to hold conferences with the union officials, and have insisted upon treating with their employees as individuals.⁴⁶

Preventing Strikes.— As a means to prevent strikes, the Association has advised employers to discuss the case with their employees as individuals,⁴⁶ and has repeatedly urged arbitration in some threatened strikes.⁴⁷ Strike prevention is thus effected by the Association's advice to the employer how to conduct himself when trouble is threatened. The member receives this advice from the leaders personally, by letters and by circulars. For instance, so often has the member been instructed to *negotiate first*, that the phrase seems to have become a motto of the Association. The instruction reads: "Negotiate first. Every time you grant a union representative a hearing during a strike, you prolong the struggle. When the union men leave your employ, they forfeit every possible right of representation by their order, and the proprietor who continues to negotiate with these officials during a strike will never win a complete victory. Do all your negotiating, trading, compromising, sacrificing and dickering before you allow a strike to occur; after it has occurred, and you have made up your mind to defend yourself, cut off all negotiations and accept nothing but unconditional surrender."⁴⁸

The Association, in order to prevent strikes in the shops of its regular members, may combat a strike for a probationary member, and thus defeat a union campaign in the beginning. A probationary member must pay all the expenses of combating such a strike; to receive financial benefits in the case of a labor difficulty, an employer must have been a regular member for at least two months. No em-

ployer engaged in resisting a strike is eligible to become a regular member, but he may become a probationary member on paying regular admission fees and assessments.⁴⁹

As union leaders carry on more or less continuously an extended agitation both openly and covertly to stir up trouble in the open shops, and do not successfully restrain the members and supporters of the union from the practice of violence upon nonunion men, the Association has found that it can meet the situation only by means of an "intelligence corps" to supplement the reports received from its friends among the workers, both union and nonunion. Especially is this corps needed to prevent clandestine and insidious agitation to stir up great trouble in the shops of the Association members. This corps enables the Association officers to know at all times the conditions in the shops of members. Through it, the most cautious agitator and trouble-maker may be quickly detected and removed from the shop; and thus strikes may be prevented. An "intelligence man" may report an impending strike to the officers of the Association⁵⁰ a long time before the proprietor can or does, and during such times, the operative frequently communicates with the office of the Association by long-distance telephone as to any change in conditions. As these "intelligence men" are to be found in the ranks of the molders' union, and are in "good standing" there, practically every move of the union or proposed scheme is reported shortly to the leaders of the Association.⁵¹ The "intelligence corps" serves no less useful function to the Association in a strike, for it then keeps the Commissioner or his assistant informed of the proposed activities of the union, and aids in the detection and conviction of unionists who commit unlawful acts. Likewise it contributes evidence for a bill of complaint upon which an injunction may be applied for and issued, as well as giving evidence in contempt cases of the violation of the court's order by those

enjoined.⁵² Mr. Briggs, while President, testified to the effectiveness of the secret service by saying, "*I regard this as one of the very best investments the Association makes. Without it, I would hardly know how to direct the work of the Association. It seems to be an indispensable requisite to good results.*"⁵³

Keeping Agitator Out of Shop.—The Association tries to prevent strikes by the elimination of the agitator and professional trouble-maker from the shops of the members and by the removal of other conditions that favor agitation. Repeated warnings to members to use extreme caution in dealing with their foundry labor so that the union cannot gain a foothold in their shops—to "Beware of the labor agitator"—have been given by the Association's officers. In these warnings, cases are cited where concerns had gone through a strike successfully and had their shops "cleaned," but which allowed agitators in the shops, and the union thus to secure a foothold, so that demands were made which were refused and a strike resulted a second time. Such reorganization by the union, it is pointed out, was "due solely to the gross carelessness and laxity of the management."⁵⁴ All members are cautioned frequently about indifference in this matter and reminded of the old saying that "Eternal vigilance is the price of peace."⁵⁴ Members are informed as to the records of certain undesirable workmen, or agitators.⁵⁵ The N. F. A. also tries to induce the employer to have fair conditions in his shop⁵⁶ and refuses to admit as members, employers with unfair working conditions, deeming such bad risks, as bad working conditions are favorable even to spontaneous agitation.⁵⁷ Thus by keeping the agitator out of the shops and reducing the grounds for agitation, members may aid greatly in preventing strikes.

Molding Machines and Training Workmen.—The Association's representatives in the field have endeavored in

every way to impress the members with "the necessity of putting in effect such measures as would prevent strikes, and also enable a much stronger line of defense [to be made] in case trouble actually occurs."⁵⁸ In addition to warning the member to keep the agitator out of the shop, these representatives in the field, as they pass through the shops may recognize a man who they know is an agitator and trouble-maker — an agitator who probably got into the shop under an assumed name. They inform the member and the agitator is quietly discharged.⁵⁹ Among other measures for strike prevention suggested to members, are, that they use all the molding machines possible and that they educate their own supply of skilled molders by training a sufficient number of apprentices.⁶⁰ "In the establishment and maintenance of the open-shop foundry, the molding machine and the handyman molder are the foundryman's greatest aid," for the skill required is much less than with the old methods.⁶¹ The Association has a Committee on Foundry Methods, which is largely concerned with the installation of molding machines, their selection, and adaptation to particular foundry problems, and method of use. Since strikes usually occur most frequently when the supply of skilled workmen is short, the foundryman who installs molding machines and devotes time and energy to the instruction of green men in molding, does much to prevent strikes.⁶² Members are importuned in person, in conventions, and in the publications of the Association, to use the molding machine and to educate their own molders. The Association has urged the foundrymen to employ instructors to teach molding to unskilled laborers, and not to rely upon foremen to train the men. Furthermore, it has advocated the adoption of foundry representation, the proper organization and the instruction of the operating staff, with a view to avoiding labor difficulties. It has favored the formation of local associations composed of employers, superintendents

and foremen, so that all may learn the employers' viewpoint and co-operate fully.⁶³ "Every effort is made by the Association to impress upon its members that the open shop must be made the best place for the man to work, from the point of view of earning, working and sanitary conditions."⁶⁴ In order to aid the employer in accomplishing this laudable state of affairs, the Association has established a "Service Bureau" and a "Safety and Sanitation Bureau," the work of which has thus been described:

"Service Bureau.—Recognizing the need for scientific advice on improved machinery and apparatus, the Association established a Service Bureau under the direction of a Committee on Foundry Methods appointed from members of the Association. This Committee makes a thorough investigation of appliances for the improvement of foundry operation—materials, tools, supplies and equipment; costs, melting, molding, coremaking and cleaning; inspection and shipping; planning and production; patterns and flasks.

"Periodical bulletins of its discussions and findings are issued. An experienced practical foundryman is in charge and his services are available to members upon request. The demand for the services of the Bureau is constantly increasing, and many interesting letters are received of the advantageous results procured through changes in methods which have been recommended.

"Safety and Sanitation.—The Association also maintains a Safety and Sanitation Bureau, which has made a thorough and systematic research of methods for diminishing foundry hazards. Its bulletins, published in volume form, have been accepted as standard by sister organizations, State labor bureaus, insurance companies, public service corporations and industrial firms in all lines of manufacture. Realizing that it is one thing to recommend a safety device and an entirely different matter to insure its use, the Association has made it easy for the members to follow its recommendations by installing a stock room from which the more common devices are supplied at cost. The list includes danger and safety signs,

goggles, foundry shoes, leggings, first aid jars, etc. Many concerns outside the Association, in all lines of manufacture, are also taking advantage of this feature for the purchase of such supplies as come within their requirements.

"In 1917 the Association, in conjunction with the American Foundrymen's Association, established a Foundry Code on Safety and Sanitation, which has since been accepted by foundry proprietors and employees throughout the country and is considered a model by which safety and sanitation in industrial plants generally may be measured. This Code was approved by Dr. S. W. Stratton, Director of the Bureau of Standards, at Washington, and several of the States have used it as a basis in framing laws affecting manufacturing plants.." ⁶⁴

Industrial Education.— Similarly, the efforts of the Association to prevent strikes, have led it to give its support to the general movement for industrial education, and specifically to aid financially and otherwise the now-defunct Winona Technical Institute.⁶⁵ This Association, like many others, has found that the results obtained for the support given to private trade schools, are far too meager a return for the cost, and so has turned its attention to the establishment of public industrial schools.⁶⁶

Other Preventive Measures.—In times of stress, the representatives in the field for the Association are frequently called upon for conferences with the members as to the sort of action that should be taken to prevent strikes.⁶⁷

A number of members, variously estimated from 80 per cent up, operate open or nonunion shops,⁶⁸ and thus prevent strikes under all but very abnormal conditions. As we have already seen, struck members are required to sign a contract with the Association that they will maintain open shops for a year after conditions become regular, and this tends constantly to increase the number of open shops. To the member who has gone through a strike, the advice to "take care of the workmen who take care of you," is given and usually followed.⁶⁹ This is a significant move, because in nearly

every strike, the union demands the discharge of the non-unionists who have acted as "strike breakers."

The Open Shop Review.—In an attempt to offset in part the agitation of the closed-shop unions through various publications, the Association publishes "*The Open Shop Review*" monthly, and sends it into the homes of the molders, and in this manner prevents strikes. The Association admonishes the employer to furnish his employees with literature that sets before them "reliable information on economic problems," and it urges its members to have *The Open Shop Review* sent to the homes of their workmen. *The Review* is published for certain stated purposes:⁷⁰ "Its primary object is to interest the workman,"⁷¹ "to reach the working people of the country, and particularly the molders, through literature that would tend to counteract the influence of the socialistic and radical unionism of the time, as presented to them continually."⁷² It is designed to place the employer's side of the complicated labor problem before the workman,⁷³ to show him that the real working conditions of the country are not bad on the whole, and that specific cases are greatly overdrawn, and to inform him what the employers and society in general are doing for his welfare.⁷⁴ This purpose is shown specifically by the *Review* publishing for a number of months a series of articles dealing with living conditions in various cities of the United States, "to show the workman how really small is the class that *has* to live among squalor and filth and unsanitary conditions; that the great majority of the class which so lives is there because it *wants* to be; that these conditions are not due to industrial conditions, but to vice, intemperance, foreign customs and methods of living, and that the only relief for them is education along the lines of right living."⁷⁵ The *Review* has presented the results of an investigation which tended to prove that the surplus amount paid to high salaried men would not appreciably increase wages if distributed among

the wage earners.⁷⁶ It has also contended that union restrictions are one of the great causes for the high cost of living.⁷⁷ It attacks the "living-wage" theory,⁷⁸ urges increased production,⁷⁹ shows how men advance from wage-earners to employers,⁸⁰ how to get rich,⁸¹ denies that the "rich are getting richer and the poor poorer,"⁸² and contends that every man with \$100 is a capitalist.⁸³ Furthermore, it publishes articles which contend that open-shop conditions are better than those in union shops⁸⁴—"that the 'open shop' stands for the best wages, the best hours, and the best conditions, . . . that the 'open shop' pays a man according to his ability . . . [while in the 'closed shop'] the poorest mechanic receives as much as the best workman, thus destroying all incentive for either man to work for the betterment of himself."⁸⁵ It points out the advantages to the workman of the individual contract.⁸⁶ It shows that efficient workmen earn higher wages in the "open-shop" foundries than they can in the union shop with a set day's work.⁸⁷ Likewise, it sets forth the industrial and commercial progress of "open-shop" cities in contrast with "closed-shop" ones,⁸⁸ and that, "Industrial success depends upon the open shop."⁸⁹ One of the articles published in the *Open Shop Review* stated that, in New York City, unsanitary bakeries used the union label, and that, in these union bakeries, working conditions were distinctly bad.⁹⁰ On the other hand, the *Open Shop Review* plays an important part in the Association's campaign for safety and sanitation, for making prevalent far better working conditions in the open shop than are usual in the union shop.⁹¹ For instance, it points out to its members that "The employer's title to peaceful relations with his employees and to steady and efficient operation of his plant must rest on the inducements he holds out to his workmen."⁹² The *Review* has contained for many months, sections on accident prevention, workmen's compensation, and similar topics.⁹³ The Association's "Safety

Bulletin," formerly issued and also reprinted in the *Review*,⁹⁴ presented much valuable information on the prevention of accidents and on the treatment of injured persons.⁹⁵ This was succeeded by the "Spirit of Caution," issued by the Conference Board on Safety and Sanitation, with which the Association is affiliated. The "Spirit of Caution" was reprinted in the *Review*.⁹⁶ Members are urged regularly in these publications, to provide plenty of light, ventilation, washrooms, and other good conditions.⁹⁷ The Association has also published an excellent treatise upon "Safety in the Foundry," and also the "N. F. A. Safety Code for Foundries," which contains suggestions for proposed safety laws.⁹⁸ The N. F. A. has done much to promote safety in the foundry.

Indictment of Unionism.—The *Review* severely attacks certain labor leaders, and indicts closed-shop unionism on many counts, and, through these charges, endeavors to persuade the workman that the closed-shop union is a bad thing for him,—that "unionism is the foe of labor."⁹⁹ A summary of the points on which closed-shop union leaders and agitators have been indicted will show how severe and extensive the condemnation has been: Union leaders in certain instances are characterized as cruel autocrats¹⁰⁰ who cause workers to strike in many cases without cause or reason.¹⁰¹ Such leaders are designated as "outside organizers and agitators,"¹⁰² who are invariably trouble makers. Frequent instances are given of union agitators who have been found guilty of graft and blackmail,¹⁰³ and some closed-shop unions are charged with the employment of "gun men" who sometimes murder rival union leaders as well as nonunion men.¹⁰⁴ Bomb outrages, committed during labor disturbances, when not perpetrated by union agitators, have been attributed to union hirelings.¹⁰⁵ Strikes of policemen are likened to desertion in the face of the enemy.¹⁰⁶ Certain union leaders have been impeached for disloyalty to the U. S.

Government in war time and are charged with fomenting strikes in plants engaged in the production of essential war materials for the Government.¹⁰⁷ "Closed shop leaders" have been censured in specific instances for using the war as an opportunity to force restriction of output,¹⁰⁸ and a number of unions have been assailed as treasonable for "slack-ing" by limiting production in war time.¹⁰⁹ Strikers in war time are classed with traitors.¹¹⁰ "Labor's disloyal minority" is said to be the unions who are autocratically and treasonably controlled.¹¹¹ Union opposition to a strong state militia is cited as evidence of the treasonable character of the unions.¹¹² It has been asserted repeatedly that "there are less than 8 per cent of the workers unionized,— 3,000,000 union workers in the U. S. A.— 37,000,000 independent workers."¹¹³ The electricians' union of Chicago is cited as an example of a closed-shop union which is completely closed to other workers because the initiation fee is \$200 and only sons of members are eligible.¹¹⁴ It has been stated frequently that particular unions break a pledge or agreement whenever they feel that their position is strong enough to force further concessions from the employer.¹¹⁵ Likewise it has been asserted that the "A. F. of L. advises members to disregard the law,"¹¹⁶ and the unions are condemned for attempting to have freed the union agitators who have been convicted of atrocious crimes.¹¹⁷ The A. F. of L. has been linked with the I. W. W.,¹¹⁸ and unionism has been likened to Bolshevism.¹¹⁹ Bolshevism and Socialism have each been exposed as a great menace to our institutions.¹²⁰

The attacks on the closed-shop leaders are intended to discredit such union officers in the eyes of the members, while the indictments of "unionism" probably prevent workmen from joining and cause members to withdraw from such unions. The publishers of the *Review* claim that it has had considerable immediate effect in preventing strikes, for instance, by showing to the workmen on or about to strike that

their strike leaders are the same ones who failed in a previous strike in another place, or are grafters.¹²¹ The results of such exposures, it is claimed, have been to cause former radical leaders in different localities to change their tactics and preach conservatism.¹²² Its advice to workmen is to get a good job and hold it; don't drift or strike.¹²³ Undoubtedly, the *Review* tends to make many workmen, especially with families, hesitate before striking, since it has published on occasions long lists of strikes in which the union is said to have lost in most cases,¹²⁴ and the loss to the strikers in lost wages, damages, etc., is portrayed vividly.¹²⁵ Such portrayals conduce to a contented state of mind, on the part of the employees who read this publication, with their present conditions, and so make the relations of the employer and employee more amicable.¹²⁶ Thus, by stifling union agitation, the *Review* contributes to strike prevention.

Other Literature and Propaganda.—The Association, however, does not confine its "educational work" to the sending of the *Review* free to the employees of its members. It also publishes and distributes booklets, and plans an extension of its propaganda to wider fields than is now carried on. It published "A Policy of Lawlessness," which contained extracts from sworn statements of persons who had been intimidated or assaulted by union pickets and sluggers, along with other evidence of violence by union members.¹²⁷ Somewhat different in character is "What Is Progress in Politics?" an address of Nicholas Murray Butler, which was printed and distributed by the Association.¹²⁸ Other of its pamphlets are "Closed Shop Unionism," "What the Eight-Hour Agitation Means," "The Labor Secretary and Labor Questions," "Concise Information Regarding the National Founders' Association," and "The Practical Value of the National Founders' Association in Resisting Unjust Union Demands."¹²⁹ The Association sends its literature not only

to workmen but to others who are interested in the various phases of the labor problem.¹³⁰ The clergy, teachers and editors have received the Association's publications, and it plans for the future an extension of the work to a systematic campaign to educate the leaders of the various groups in society in the economics of the open shop and the character of the national conflict being waged for it.¹³¹ It has advocated better pay for educators and clergymen, and has urged the employers to show the farmer how his interests in labor matters are the same as theirs.¹³²

Legislative and Political Activities.—The Association has been active in opposing labor legislation both national and state.¹³³ It has had committees or representatives to appear before congressional committees in Washington, D. C., in opposition to legislation desired by the American Federation of Labor; and has otherwise opposed the legislative and political activities of the unions.¹³⁴ It has opposed the passage of anti-injunction bills, anti-scientific management bills, immigration-restriction bills, the Seamen's Act, etc.¹³⁵ It characterized the Adamson Bill as "probably the most vicious and costly legislation ever passed by any law-making body."¹³⁶ At all times, "The National Founders' Association has been most active in working for the interests of the foundry industry in preventing the passage of legislation of this character."¹³⁷ It has contended that "it is not a question of laws that we want, not a question of more legislation; what we want is obedience to our present laws."¹³⁸ It has co-operated with many other associations in opposition to both national and state legislation¹³⁹ in which it has been interested.¹⁴⁰ It has secured amendments to proposed bills, so that the unions were robbed of all but a victory in name when such bills became laws.¹⁴¹ It protested against the formation of a national industrial conference, the personnel of which included no "actual ac-

tive manufacturer.”¹⁴² Its literature complains frequently of political agitation, and it has passed resolutions condemning agitation and legislative tinkering.¹⁴³

Various governmental bodies and officials have received condemnation at its hands. Secretary W. B. Wilson of the U. S. Department of Labor, has been severely censured for his union attitude while in office;¹⁴⁴ as has Assistant-Secretary Louis Post of the same department because he said that Mooney did not have a fair trial, and because he resisted the wholesale deportation of “reds” or alleged Bolsheviks.¹⁴⁵ The Department of Labor was also assailed for sending out mediators who were partisan to the unions.¹⁴⁶ The actions of Chairman Frank Walsh of the Commission on Industrial Relations and the manner in which he conducted the hearings of that body have been as strongly disapproved by the Association.¹⁴⁷ The Final Report of the Commission also was condemned as was the personnel of the Commission and its general method of procedure, on the ground of its strong union bias.¹⁴⁸

Unfavorable criticism has been likewise heaped upon the U. S. Employment Service for its alleged pro-union activities,¹⁴⁹ the President's Mediation Commission for its pro-union recommendations,¹⁵⁰ and the War Labor Policies Board for its pro-union attitude and for its immature development and inexperienced personnel.¹⁵¹ The N. F. A. characterized the International Labor Conference as a menace to America's industrial progress.¹⁵²

The N. F. A. has, on the other hand, favored legislation to make picketing illegal,¹⁵³ has advocated the establishment of a state constabulary,¹⁵⁴ and, during the war, urged that a law be enacted which would conscript men for industrial enterprises.¹⁵⁵ It has demanded the suppression of the I. W. W.,¹⁵⁶ and advocated the Americanization of the foreign element of our population.¹⁵⁷

In a political way, the Association has, moreover, pointed

out that the political power of unions in elections is pure fiction,¹⁵⁸ and it has condemned the Farmers' Non-Partisan League for its Socialistic and Bolshevistic character,¹⁵⁹ as well as certain congressmen for their cowardice.¹⁶⁰ It has argued strongly that it is the duty of business men to go into politics.¹⁶¹ It commended Mayor Ole Hanson of Seattle for the manner in which he handled a general strike in that city.¹⁶² It praised Gov. John M. Parker of Louisiana for his stand in regard to strikes.¹⁶³ It adopted resolutions expressing its deep debt of gratitude to Attorney-General A. Mitchell Palmer "for his timely effort and loyal and courageous action in defense of American principles and against the disloyal and unlawful activities of the United Mine Workers of America and their allies."¹⁶⁴ Mr. Palmer has been commended by the *Open Shop Review*, and so has Major-General Wood for restoring order in the steel district at Gary during the steel strike.¹⁶⁵ It has endorsed the American Legion¹⁶⁶ and urged employers to stand by the Constitution of the United States.¹⁶⁷ It attacks government ownership and operation as extravagant and unwise.¹⁶⁸

Interrelations.—The Association is or has been inter-related with many other Associations. In its organization, it was modeled somewhat after the Stove Founders' National Defense Association.¹⁶⁹ For a long period of years, it has fought the Stove Founders' National Defense Association, largely because of the latter's negotiatory policy towards the molders' union.¹⁷⁰ The N. F. A. has at times apparently urged members of the latter to revolt, and a few years ago opened its membership to them.¹⁷¹ It has brought strong indictments against the S. F. N. D. A. for being in a combination to restrain interstate commerce.¹⁷² The National Founders' Association has aided in the formation of other associations. Instances of this are: the National Metal Trades Association, which was formed by members and officers of the N. F. A.; and the United

Metal Trades Association of the Pacific Coast, in which officers of the N. F. A. took an active part both in the preliminary and permanent organization.¹⁷³ It is still closely related to these associations which it has fostered,—it keeps in touch with the officers of both.¹⁷⁴ With the N. M. T. A., however, the N. F. A. has many relations, such as through mutual officers and members,¹⁷⁵ joint committees and representatives, and affiliations with the same federations.¹⁷⁶ It must not be forgotten that the N. M. T. A. strongly influenced the N. F. A. to become belligerent. For several years there has been a joint committee composed of the presidents of the two associations. Formerly the two organizations had a joint legislative representative before Congress,¹⁷⁷ and Mr. Walter Drew of the National Erectors' Association has represented all three associations before the Commission on Industrial Relations.¹⁷⁸ These and the National Association of Manufacturers, the National Electric Light Association, the National Council for Industrial Defense, and the American Anti-Boycott Association (now the League for Industrial Rights) co-operated in their opposition to an amendment of the Clayton Anti-Trust Bill in the sections pertaining to labor matters.¹⁷⁹ The N. F. A. sent out to various employers' associations a set of resolutions endorsing strongly the findings of the Anthracite Coal Strike Commission; and the following associations, among others, passed the resolutions: N. A. M., N. M. T. A., and N. E. A.¹⁸⁰ Representatives of the N. F. A., the N. M. T. A., the N. A. M., and the National Electric Light Association formed an organization known as the Conference Board on Safety and Sanitation,¹⁸¹ so the relations among these associations seem to be quite complicated. President Briggs of the N. F. A., in speaking of the McNamara case, which was conducted primarily by the National Erectors' Association, urged members of his organiza-

tion as follows: "Let us use our efforts and energies as loyal citizens of the United States, to the end that the guilty parties in this case, whoever they may be, may ultimately be brought to justice."¹⁸² It aided in the organization of and is now a member of the Chamber of Commerce of the United States.¹⁸³ Many local organizations of foundrymen have a large percentage of members who belong to the N. F. A. For example, in Milwaukee, 90 per cent of the members of the Metal Trades and Founders' Association have been members of the N. F. A.¹⁸⁴ It has also co-operated with state and local associations for instance, with the Illinois Manufacturers' Association, in opposition to certain classes of legislation.¹⁸⁴ It was represented on the Joint Conference Board on Industrial Relations,¹⁸⁵ Conference Board on Training of Apprentices,¹⁸⁶ National Industrial Conference Board,¹⁸⁷ and is still represented on some of these and others. Its President praised a report of the National Civic Federation on the comparative returns to capital and labor, although the associations have had a diverse labor policy.¹⁸⁸ The N. F. A. endorsed, in fact, is a member of the Inter-Racial Council of New York, which is a body that "is interested in stimulating a sound immigration policy, excluding only the undesirable and encouraging a greater supply of common labor of which industry is in such need."¹⁸⁹ Its President, Mr. Wm. H. Barr, is also a member of the Executive Committee of the National Industrial Council, and of the National Industrial Conference Board, as well as President of the Inter-Racial Council.¹⁹⁰

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'04 H I H). ²Injunctions, Hearings before the Committee on the Judiciary U. S. House of Representatives on H R 23635, 1912, p. 156. (Abv. '12 H I H); Limiting Federal Injunctions, Hearings before the Committee on the Judiciary, U. S. Senate, on H R 23635, 1912, p. 49. (Abv. '12 S I H); ³D(15)'20 Letter; See also Eight Hour Law, Hearings before the Committee on Education and Labor, U. S. Senate on H R 9061, 1912, p. 283; (Abv. '12 S H H); Industrial Relations, Final Report and Testimony, U. S. Commission on Industrial Relations, pp. 466, 550, (Abv. **Ind Rel**); Cf Miss Stecker on the National Founders' Association, in the *Quarterly Journal of Economics*, XXX: (1-35, F'16), p. 23, (Abv. **Stecker**). ⁴Constitution and By-Laws, National Founders' Association, 4-5, (Abv. **Const**); '12 N F A 20; D'17 Rev 499; D'18 O S Rev 500-501; Cf **Ind Rel** 467. ⁵Const 3-4; See also December *Reviews*. ⁶Const 6. ⁷Const 14-16, 17. ⁸D(15)'20 Letter; See also Concise Information, National Founders' Association, (Abv. **Concise**). ⁹Const 13. ¹⁰Const 3. ¹¹D(15)'20 Letter; See also '12 N F A 59. ¹²D(15)'20 Letter. ¹³'04 H I H 288-289; See also A Policy of Lawlessness, 3, (Abv. **Policy**); '12 H I H 217; '12 S I H 93; For much of the very early history of the N. F. A., see Stecker. ¹⁴D(15)'20 Letter; See also references under reference number 13. ¹⁵'04 H I H 288-289. ¹⁶D(15)'20 Letter. ¹⁷Harmony Between Capital and Labor. ¹⁸'04 H I H 289; Const 29, 31-32; **Ind Rel** 460, 556; Proceedings of the . . . Annual Convention, National Association of Manufacturers, 1916, p. 253, (Abv. **N A M**). ¹⁹**Ind Rel** 458, 476, 526. ²⁰D(15)'20 Letter; see also O'14 Rev 445. ²¹The Attitude Which Should be Taken by an Educated Ministry Towards the Modern Industrial Situation, an Address by Mr. O. P. Briggs, (MS. Abv. **Attitude**); Policy 3; '12 S I H 93; '12 H I H 217. ²²Concise. ²³D'11 Rev 13. ²⁴D'13 Rev 2. ²⁵Const 25-28; and in the back pages of *The Review*. ²⁶Const 18-19. ²⁷Const 19-20. ²⁸Concise. ²⁹From an Address delivered by an Association Officer before the Author's class on Employers' Associations. ³⁰S'06 Rev 17; D'10 Rev 25. ³¹O'07 Rev 25; '12 N F A 31; D'15 Rev 568; D'16 Rev 567; D'17 Rev 480; D'18 O S Rev 479; **Ind Rel** 469. ³²D'09 Rev 22-23; D'10 Rev 25-27; D'11 Rev 31-32. ³³Jl'06 Rev 11; S'06 Rev 17; O'06 Rev 48; D'10 Rev 26; N'20 O S Rev i. ³⁴'12 N F A 13. ³⁵D'12 Rev 15-16. ³⁶D'13 Rev 11. ³⁷N'05 Rev 3-4. ³⁸D'14 Rev 564-566. ³⁹Policy; Interviews. ⁴⁰U. S. Industrial Commission, Report on Labor Organizations, Labor Disputes and Arbitration, and on Railway Labor, Volume 17, p. 352, (Abv. **Ind Com**). ⁴¹Policy 24, 93-94, 99-100; '12 S I H 100, 130, 132; '12 H I H 224, 254, 256. ⁴²D'17 Rev 480; D'18 O S Rev 479; D'19 O S Rev 489; D'20 O S Rev 488; S (14)'21 Letter. ⁴³'12 N F A 20. ⁴⁴Je'06 Rev 15. ⁴⁵Je'06 Rev 12-13, see also pp. 10-11. ⁴⁶Je'06 Rev 17; N'05 Rev 3-4. ⁴⁷F'06 Rev 8. ⁴⁸Ap'08 Rev 4; N'11 Rev 4. ⁴⁹Const 11. ⁵⁰'12 N F A 18; D'10 Rev 21. ⁵¹D'09 Rev 24-25. ⁵²D'08 Rev 9-10, 11, 25-26; D'10 Rev 21. ⁵³'12 N F A 18; see also D'11 Rev 24-25. ⁵⁴S(8)'10 Letter; see also

Au'18 O S Rev 335. ⁵⁵ Concise. ⁵⁶ Ap(1)'07 *American Industries* 8. ⁵⁷ Concise. ⁵⁸ D'11 Rev 27. ⁵⁹ Interview. ⁶⁰ D'12 Rev 14-15. ⁶¹ D'11 Rev 30. ⁶² D'10 Rev 26-27; D'18 O S Rev 483, 493. ⁶³ D'09 Rev 28, 31-34; D(1)'06 *American Industries* 9; N'09 Rev 30; J1'18 O S Rev 292-293; D'19 O S Rev 473, 475, 490. ⁶⁴ D(15)'20 Letter; See also Plan of Organization. ⁶⁵ D'11 Rev 18; D'09 Rev 20-21; Mr(1)'07 *American Industries* 7; J1(15)'07 *American Industries* 11. ⁶⁶ Interview. ⁶⁷ D'10 Rev 31. ⁶⁸ '16 N A M 256; Ind Rel 468; D'11 Rev 16, 27. ⁶⁹ D'11 Rev 4. ⁷⁰ Concise; D'15 Rev 556-557; D'16 Rev 568-569; O'17 Rev 396-398; D'18 O S Rev 485. ⁷¹ D'12 Rev 20. ⁷² D'12 Rev 11. ⁷³ Concise. ⁷⁴ D'12 Rev 22-25; see also Ap'15 Rev 167. ⁷⁵ D'12 Rev 23; see also Ja'13 Rev 5-24. ⁷⁶ O'18 O S Rev 400-401. ⁷⁷ S'20 O S Rev 358-359; S'19 O S Rev 358-359, 377; O'20 O S Rev 419; N'20 O S Rev 456-459, 460-461. ⁷⁸ Au'20 O S Rev 334; O'20 O S Rev 391. ⁷⁹ S'20 O S Rev 357. ⁸⁰ Au'20 O S Rev 297-312; S'20 O S Rev 362-377. ⁸¹ J1'20 O S Rev 275. ⁸² N'20 O S Rev 448-452. ⁸³ J1'20 O S Rev 280. ⁸⁴ D'11 Rev 12; see also '16 N A M 257; D'19 O S Rev 489. ⁸⁵ Mr'18 Rev 112. ⁸⁶ N'20 O S Rev 430-431. ⁸⁷ Je'17 O S Rev 236; Ap'18 O S Rev 158. ⁸⁸ Au'19 O S Rev 330-331. ⁸⁹ D'19 O S Rev 465; N'20 O S Rev 432. ⁹⁰ Au'14 Rev 349; see also '16 N A M 256, 257. ⁹¹ D'11 Rev 30-32; D'14 Rev 569; D'15 Rev 570. ⁹² Ja'09 Rev 36. ⁹³ D'12 Rev 23; and all Reviews. ⁹⁴ D'14 Rev 569. ⁹⁵ N. F. A. Safety Bulletin. ⁹⁶ My'17 Rev 122. ⁹⁷ D'18 O S Rev 485; '12 N F A 26-27. ⁹⁸ Books themselves. ⁹⁹ D'14 Rev 569; J1'17 O S Rev 276, 282, 293; S'17 O S Rev 348, 361; Mr'19 O S Rev 87. ¹⁰⁰ S'19 O S Rev 371-374; D'19 O S Rev 470; F'20 O S Rev 64-66; Ap'20 O S Rev 133-135; Je'20 O S Rev 213-214; O'20 O S Rev 398. ¹⁰¹ Au'19 O S Rev 334-335; Je'20 O S Rev 225-226; S'20 O S Rev 347, 360, 361. ¹⁰² N'19 O S Rev 441-443; Ap'20 O S Rev 144; N'20 O S Rev 444, 445. ¹⁰³ N'18 O S Rev 436-437; Je'19 O S Rev 241-242; F'20 O S Rev 66; Au'20 O S Rev 320-322. ¹⁰⁴ Mr'19 O S Rev 120-121; F'20 O S Rev 76-81; Ap'20 O S Rev 151. ¹⁰⁵ S'19 O S Rev 325; Ja'20 O S Rev 11; O'20 O S Rev 389-391. ¹⁰⁶ S'19 O S Rev 376-377; O'19 O S Rev 409-415; D'19 O S Rev 466. ¹⁰⁷ Au'17 Rev 297-301; N'17 Rev 423-439, 444, 449-453; O'17 Rev 399-403; Ja'18 Rev 37-39; F'18 Rev 45-61, 66-67, 70-83; Mr'18 Rev 97-103, 108-109, 113-125; Ap'18 O S Rev 129-132, 136-139, 140-143; My'18 O S Rev 204-205; J1'18 O S Rev 276-277; Au'18 O S Rev 307-308; F'20 O S Rev 60; D'19 O S Rev 466, 468, 477, 496. ¹⁰⁸ N'18 O S Rev 429. ¹⁰⁹ O'18 O S Rev 405-410; N'18 O S Rev 448-453. ¹¹⁰ O'18 O S Rev 414-415; N'18 O S Rev 454-455, 456-460; D'18 O S Rev 503. ¹¹¹ S'18 O S Rev 339-350, 357-361, 373. ¹¹² Je'20 O S Rev 228. ¹¹³ F'19 O S Rev 88-125; Ap'19 O S Rev 129-167; also in May to Nov., '19 issues. ¹¹⁴ S'19 O S Rev 361; My'20 O S Rev 196; Je'20 O S Rev 234. ¹¹⁵ N'18 O S Rev 468-469; Ja'19 O S Rev 19-23, 41; F'19 O S Rev 110-113; F'20 O S Rev 52; Au'18 O S Rev 318-319; D'18 O S Rev 484; My'20 O S Rev 193-205; S'20 O S Rev 353-

356; O'20 O S Rev 415-417. ¹¹⁶ Au'19 O S Rev 287-301; D'19 O S Rev 466, 477-480; F'20 O S Rev 60. ¹¹⁷ Au'18 O S Rev 318-319; D'18 O S Rev 484. ¹¹⁸ S'17 Rev 339-349; Ap'18 O S Rev 142; S'19 O S Rev 346-355; O'19 O S Rev 416-420; Ap'20 O S Rev 149. ¹¹⁹ Ap'18 O S Rev 142; Je'19 O S Rev 223-227; Jl'19 O S Rev 268-277; Au'19 O S Rev 303, 322-324; S'19 O S Rev 346-355; Je'20 O S Rev 242-243; O'20 O S Rev 403. ¹²⁰ D'18 O S Rev 498; Au'19 O S Rev 325-327, 332; F'19 O S Rev 97-101; Je'19 O S Rev 247-251; Jl'19 O S Rev 265-267; Au'20 O S Rev 310-311, 322; N'20 O S Rev 436. ¹²¹ D'12 Rev 24. ¹²² D'08 Rev 28. ¹²³ N'20 O S Rev 443, 455. ¹²⁴ D'10 Rev 63. ¹²⁵ Ap'15 Rev 153-166; Ap'20 O S Rev 151; N'20 O S Rev 432, 455, 456-459, and other *Reviews*. ¹²⁶ D'11 Rev 21. ¹²⁷ Policy. ¹²⁸ Pamphlet itself and interview. ¹²⁹ Pamphlets themselves. ¹³⁰ D'16 Rev 569, and pamphlet itself. ¹³¹ D'14 Rev 561, 571. ¹³² D'19 O S Rev 422-473; Mr'20 O S Rev 110-117. ¹³³ '04 H I H 292-294; '12 S I H 297, 303; '12 S H H 60, 283; Synopsis of the Proceedings of the . . . Annual Convention National Metal Trades Association, 1913, pp. 79-81, (Abv. '13 **N M T A**). ¹³⁴ '13 N M T A 12; D'16 Rev 569-570. ¹³⁵ D'15 Rev 558-559, 572, 578, 580; Ap'18 O S Rev 151; Jl'18 O S Rev 269-272; Je'18 O S Rev 234-235; S'20 O S Rev 352. ¹³⁶ O'19 O S Rev 381. ¹³⁷ Concise. ¹³⁸ Ind Rel 463. ¹³⁹ D'14 Rev 563. ¹⁴⁰ D'11 Rev 23; D'12 Rev 16. ¹⁴¹ D'14 Rev 563. ¹⁴² Au(3)'19 Washington D. C. *Evening Star* 12. ¹⁴³ D'11 Rev 38-39; see also My'15 Rev 229, 244. ¹⁴⁴ The Labor Secretary and Labor Questions; D'14 Rev 559; Ja'15 Rev 41-42; Ja'14 American Industries 11-13; D'14 American Industries 45. ¹⁴⁵ Ja'19 O S Rev 16. ¹⁴⁶ Je'20 O S Rev 236-241; Ap'18 O S Rev 141. ¹⁴⁷ Ja'15 Rev 29, 39-40; Ap'15 Rev 168-170; My'15 Rev 239-244. ¹⁴⁸ Ja'15 Rev 29; D'15 Rev 556, 578. ¹⁴⁹ D'18 O S Rev 471; My'19 O S Rev 186-196; Je'19 O S Rev 251; Jl'19 O S Rev 278; Au'19 O S Rev 322. ¹⁵⁰ Mr'18 Rev 87-91. ¹⁵¹ D'18 O S Rev 471; Je'18 O S Rev 236-240. ¹⁵² N'19 O S Rev 452-454. ¹⁵³ O'19 O S Rev 399-401. ¹⁵⁴ F'19 O S Rev 109; Je'19 O S Rev 246; N'19 O S Rev 436. ¹⁵⁵ Au'17 Rev 302-304. ¹⁵⁶ Au'17 Rev 329; S'17 Rev 339-349. ¹⁵⁷ D'19 O S Rev 472. ¹⁵⁸ My'19 O S Rev 184-187; Jl'20 O S Rev 277; O'20 O S Rev 381-386. ¹⁵⁹ Mr'18 Rev 92-96; Je'18 O S Rev 249. ¹⁶⁰ Jl'18 O S Rev 270. ¹⁶¹ D'18 O S Rev 472; Jl'20 O S Rev 276. ¹⁶² Mr'19 O S Rev 114-119. ¹⁶³ Au'20 O S Rev 318-319. ¹⁶⁴ D'19 O S Rev 499-500. ¹⁶⁵ D'19 O S Rev 492; F'20 O S Rev 46. ¹⁶⁶ F'20 O S Rev 67. ¹⁶⁷ D'19 O S Rev 471; S'20 O S Rev 339-345. ¹⁶⁸ Au'20 O S Rev 333. ¹⁶⁹ Ind Com 17: 349-350. ¹⁷⁰ Ap'08 Rev 25, 27; D'09 Rev 7-13. ¹⁷¹ F'09 Rev 13; Interview. ¹⁷² Mr'09 Rev 5-12; Je'14 Rev 253-261. ¹⁷³ Je'07 35-37; Jl(1)'07 American Industries 16. ¹⁷⁴ *The Open Shop*, V: 264. ¹⁷⁵ '14 N M T A 21; List of Officers and Members, N. M. T. A.; Membership List, N. F. A.; Je-Jl'15 Bulletin, N. M. T. A., 3. ¹⁷⁶ '13 N M T A 79-81. ¹⁷⁷ '13 N M T A 12. ¹⁷⁸ D'14 Rev 584; My'15 Rev 204, 208, 212, 219. ¹⁷⁹ D'14 Rev 563. ¹⁸⁰ Attitude. ¹⁸¹ S'14 American Industries

24; D'14 Rev 561, 595. ¹⁸² D'11 Rev 13. ¹⁸³ '12 N F A 18-19. ¹⁸⁴ '12 S H H 297, 303; Interviews. ¹⁸⁵ D'15 Rev 556. ¹⁸⁶ D'15 Rev 573; My'16 Rev 249. ¹⁸⁷ Publications, National Industrial Conference Board. ¹⁸⁸ D'15¹ Rev 558. ¹⁸⁹ D'19 O S Rev 472; D(15)'20 Letter. ¹⁹⁰ D'20 American Industries 20; List of Associations of the Associated Employers of Indianapolis; Booklet of the N I C B.

CHAPTER IV

THE NATIONAL METAL TRADES ASSOCIATION

OF all the associations in America, none is more nearly representative of the entire group than is the National Metal Trades Association. It is more nearly representative because it is active along many lines and so has characteristics of associations with limited or more or less specialized activities. It is fairly representative because it has developed through several stages of evolution. Again the fact that it is in the great metal industry, which is one of America's representative industries,¹ is further evidence that it may be taken as representative of many of the associations of the United States. If it were entirely representative of all the associations, we could well confine our study to it alone, but there are a number of associations with which it has little in common; necessarily other typical associations must be studied. Moreover, other associations must be considered to get a basis for the study of conditions underlying the conflict.

Membership.—The National Metal Trades Association has, (September, 1921) in the eastern half of the United States and Canada, a membership of over 1000 concerns, which employ more than 600,000 workers.² Membership is limited to those manufacturers of metal products who employ machinists, pattern makers, brass workers, copper-smiths, platers, polishers, buffers, iron shipbuilders and shop-workers, such as boilermakers, structural iron workers, millwrights, blacksmiths, sheet-iron workers, pipe fitters, electrical workers, carpenters, etc., who work in or about the

machine shop, and handymen, helpers and apprentices to the above. In these classes, there are in the shops of its members, the major portion of the total employees, namely 600,000 workmen. This number varies with slack or prosperous times. No firm operating under an agreement with the unions in the trades covered by the Association's classification, is eligible to membership in the N. M. T. A.³

Structure and Government.—The territory covered by the Association is divided into seventeen districts. There are also twenty-three branches, which are made up of members of the national organization, and which have staff officers, executive committees, and other machinery necessary to an organization.⁴ While one district has five branches, there are districts which have none. In districts without branches, a district organization, somewhat resembling branch organizations, exists; and in districts with branch organizations, there are usually non-branch members.⁵ The district organizations are directly under the national in all matters, while the branch undertakes activities of a local nature when such do not conflict with the purposes and plans of the national. The branches thus have functions of their own, but are subject to the national and so form an integral part of it.⁶ This is an element of strength that a federation of locals does not possess.

The governing machinery of the Association consists of the members in convention or acting through letter ballots; the Administrative Council, which is elected; an Executive Committee, which is appointed from the membership of the Administrative Council; elective officers as follows, a President, two Vice-Presidents, and a Treasurer; and the appointive officers,—a Commissioner and a Secretary.⁷ The real executive officer is the Commissioner;⁸ the Executive Committee discusses plans and gives instructions to the Commissioner and his assistants; and the Administrative Council performs many judicial functions. There is, however, no

clear division of powers and functions on the lines of executive, legislative, and judicial activities, since such would tend to destroy the efficient operation of the organization.

The Association holds its annual convention in April at a time and place designated by the Administrative Council. Here the elective officers are chosen through the medium of a nominating committee and the vote of the members in attendance or represented by proxies. Each member is entitled to one vote for every operative he employs, but no member may cast more than 500 votes, including proxies. One-fifth of the vote of the Association constitutes a quorum at the convention.⁹ In addition to electing officers, the convention has presented to it by men of authority, addresses on vital industrial subjects. Various subjects are discussed at length, and resolutions are passed on matters affecting the specific attitude of the Association on questions of importance.¹⁰

Funds and Dues.—The funds of the Association are divided into a *general fund*, to be used for ordinary expenses, and a *defense fund*, to be used for defense purposes.¹¹ The custom of the Association is to regard as the general-fund income, 70 per cent of the returns from regular assessments, and to pay out of it all the administrative expenses of the Association in its various activities. Into the defense fund go the initiation fees, the special assessments for that fund and 30 per cent of the regular assessments, and in addition, all that is not needed for current expenses.¹² Against this fund are charged the expenses of defending the members against strikes.¹³ The defense fund has been built up and maintained at a substantial amount, as a war chest. But these figures are no longer published. "It has been the policy and the custom of the Association for a number of years for the treasurer not to present the figures of his report in detail to the convention," because the leaders fear that, through the possibility of unexpected leaks, such information might be

used disadvantageously to the Association by its enemies.¹⁴

Obligations of Members.— All members of the Association are required to “make, execute and acknowledge in writing an agreement or obligation in words and manner following, to wit:

“We, the undersigned, do hereby covenant and agree to and with each and every member of the National Metal Trades Association as follows:

“Fair dealing being a cardinal principle of this Association, we pledge ourselves to be governed by and to obey its Constitution and By-Laws and all proper rules in conformity therewith which do not conflict with the Laws of the Country, State or Province in which we do business.”¹⁵

The Objects of the Association, according to its constitution are:

“(1) To secure and preserve equitable conditions in the workshops of members for the protection of both employer and employee.

“(2) Investigation and adjustment of questions arising between members and their employees which may come within the jurisdiction of the Association.”¹⁶

Formerly it had as one of its stated objects, and which even now it observes in practice:

“To foster such methods as will make for the betterment of their employees and their dependents; as, for instance, improved methods of industrial education, and sane and wholesome local, state and national legislation.”¹⁷

Principles.— And in accordance with these objects, the Association has adopted the following Declaration of Principles, to govern the relations of members to their employees:

“*Concerning Employees.* 1. Since we, as employers, are responsible for the work turned out by our workmen, we must have full discretion to designate the men we consider competent

to perform the work and to determine the conditions under which that work shall be prosecuted, the question of the competency of the men being determined solely by us. While disavowing any intention to interfere with the proper functions of labor organizations, we will not admit of any interference with the management of our business.

"Strikes and Lockouts. 2. This Association disapproves of strikes and lockouts in the settlement of industrial disputes. This Association will not countenance a lockout, unless all reasonable means of adjustment have failed; neither will the members of this Association deal with striking employees as a body.

"Relations of Employees. 3. Every workman who elects to work in a shop will be required to work peaceably and harmoniously with all his fellow employees, and to work loyally for the interests of his employer.

"Apprentices, etc. 4. The number of apprentices, helpers and handymen to be employed will be determined solely by the employer.

"Methods and Wages. 5. We will not permit employees to place any restriction on the management, methods or production of our shops, and will require a fair day's work for a fair day's pay.

"Employees will be paid by the hourly rate, by premium system, piece work or contract, as the employers may elect.

"Freedom of Employment. 6. It is the privilege of the employee to leave our employ whenever he sees fit, and it is the privilege of the employer to discharge any workman when he sees fit.

"Concerning Disagreements. 7. The above principles being absolutely essential to the successful conduct of our business, we cannot permit the operation of our business thereunder to be interfered with. In case of disagreement, concerning matters not covered by the foregoing declaration and not affecting the economic integrity of the industry, we advise our members to meet such of their employees who may be affected by such disagreement and endeavor to adjust the difficulty on a fair and equitable basis.

"8. In the payment of hourly wages or in the operation of piece work, premium plan, or contract system, this Association

will not countenance any conditions of wages which are not just, or which will not allow a workman a fair wage in proportion to his efficiency.¹⁸

The attitude of the Association towards the unions was stated more pointedly in 1912 by President Caldwell: "Our Association stands as firmly as ever in opposition to the attempts of labor unions to fasten upon the industries of this country uneconomic conditions, which would make the situation of the employer and the self-respecting employee intolerable, and bring certain destruction to the manufacturing interests of our country. So long as American labor unions, as a part of their fundamental purposes, insist upon the restriction of output, the limitation of apprentices, the minimum wage, and the closed shop, and so long as they seek to shorten the workday upon grounds other than real benefit to the industry and the workmen, and so long as they countenance violence as a means of obtaining their end, just so long will they be opposed by our Association firmly and with unrelaxed vigilance."¹⁹

This Declaration of Principles and President Caldwell's statement of attitude make it evident that the Association is unmistakably belligerent in character, although it was not so when first organized. Its change from a policy of dealing with closed-shop unions to fighting them, is a part of the evolution of the Association.²⁰ A brief history of the organization will show the evolution in policies, structure and activities.²¹

Evolution.—As a result of the Pattern Makers' strike called on July 3, 1899, in all the pattern-making shops in New York City and Brooklyn, a meeting of the employers of the pattern makers was arranged for, and in this and subsequent meetings a gentlemen's agreement was drawn up and signed by thirty employers, who agreed to make no concessions to the strikers. The strike was fought vigorously, but as the fight went on, the employers realized more and

more that the organization was too informal. So they proceeded in a series of meetings to effect a more formal organization and to make it permanent. Finally, on August 24, 1899, a constitution modeled somewhat after those of the Stove Founders' National Defense Association, and the National Founders' Association, was adopted. The new Association, like those which it used as models, was negotiatory in character, although both it and the National Founders' Associations have since then broken off permanently all negotiations with the unions.*

By 1901, the Association had become national in scope, and was involved in that year in a series of struggles with the unions with which it had been dealing. These struggles were carried on in several large cities.²² The agreement made with the International Association of Machinists on May 18, 1900, was declared void at a special convention called in June, 1901, on the ground that the unions, national and local, refused to arbitrate differences as required in the agreement. The special convention then adopted a Declaration of Principles,²³—revised in 1916—and since that date, 1901, the Association has consistently refused to enter into trade agreements with any union. As it has had a more or less continuous fight with the unions from that date, it has modified its form of organization and widened its field of activity until now it attempts to supplant the unions by trying to do more for the welfare of the independent worker than the unions do for their members.

Among the changes in structure, one that will perhaps illustrate well the general changes, is to be found in the re-

* An account of its early history, also that of the National Founders' Association and of the Building Trades Employers' Association of New York, may be found in the *Quarterly Journal of Economics* XX: 119-29, 129-43. This article, although badly out-of-date, has been one of the main references on employers' associations given to students of labor problems, and has, accordingly, caused many erroneous opinions about these associations to exist.

lations of branches to the national. Formerly the branches were much in the nature of locals and the national body largely a federation in so far as they were concerned. To-day the national is distinctly the parent organization, with the branches as its component parts, subordinate in all but purely local matters.²⁴ For some time, a number of the local associations were not in full harmony with the policy of the national, since they dealt directly and had agreements with labor organizations. For instance, the Chicago Metal Trades Association did not break with the union until 1904.²⁵ } +
In June, 1906, however, no member of the Association had any working trade agreement with labor organizations in the line of work covered by the Association.²⁶ Since matters usually considered strictly local frequently have a vital influence on the affairs of the national organization, it is probable that greater co-ordination could be secured through complete supervision of the branches by the national body — in fact, agitation for the appointment of the secretaries by the national organization has begun.²⁷ However, since the branches advise with the Commissioner on even local matters when of importance, and generally follow his advice, the co-ordination is excellent in all but matters of omission, or neglect.²⁸ Probably the use of labor bureaus conducted by the branches is one of the most marked characteristics of this Association, since these bureaus are effectively employed by the national body in combating strikes. The most important function of the branch employment bureau, however, is the finding of suitable positions for the workers without charge.

In the matter of fees and dues charged by the Association, there has been a notable change.²⁹ Formerly a member might elect to pay as an initiation fee, a sum in such proportion to the unexpended balance of the reserve or defense fund as the number of operatives employed by him bore to the total number employed by all the members according to

the last quarterly report made previous to his election as a member.³⁰ Suppose for the sake of illustration, that the new member employed 500 operatives, that there were 50,000 operatives reported by all members, and that the unexpended balance in the reserve fund was \$100,000, then the new member would have paid in as a sort of deposit and guaranty of fair dealing to the Association, the sum of \$1,000. As an alternative, he could have paid a flat initiation fee of \$25 but he would have no right to a refund should he resign from the Association. At present, the initiation fee is \$50, but the member is still bound to repay to the Association all the money which the Association may have expended in defending him in a strike, should he settle the strike without the consent of the administrative council, or contrary to the Principles of the Association.³¹ Besides the fee for initiation, members pay quarterly, a regular assessment based on the number of operatives under the Association's classification, which assessment may not exceed the sum of twenty cents per operative per month. However, should an emergency arise, the administrative council may levy a special assessment such as the exigencies of the Association may require. On the other hand, a minimum quarterly assessment of \$5 has been established, which at the time it was placed in operation, reduced considerably the number of small employer members.³² * Previous to the adoption of the present constitution in 1909, there were no limitations as to the amount levied by either regular or special assessments. Provision is made for a rebate to the branch by the national organization of one-half of the dues paid by the members connected with the branch. The branch is required to maintain an efficient organization and labor bu-

* "This minimum was fixed, not with any idea of eliminating the smaller employer, but rather to help cover the actual cost of carrying the member in the Association. We have a considerable number of members who pay the minimum assessment and the amount involved, \$20.00 per year, does not work a hardship on them." (D(7)'20 Letter.)

reau under the supervision of the administrative council of the national, and the branch secretary is to be likewise under this supervision in all but local matters. If these conditions are complied with the rebate must be made. "Local Branches may levy, for local purposes, such regular and special assessments as their Executive Committees may, respectively, determine to be necessary for the support of the Branches." ³³

Other evidences of the evolution of the Association are to be found in the change of its schedule of committees and in its Declaration of Principles in 1916. It had in 1905, committees on *hours and wages*, and on *strikes and lock-outs*.³⁴ Today, it has no such committees, since the regular machinery of the Association takes care of these matters. In 1916, the Association changed its Declaration of Principles so that the former restrictions on, and provisions for the arbitration of differences, and the statement that wages and hours were local matters, were eliminated from the Principles.³⁵

The above instances of the changes made by the Association are fairly indicative of its general evolution. Let us now turn to some of its present methods and activities, and consider these under the general headings, (1) combating strikes, (2) preventing strikes, (3) legislative and political activities, and (4) welfare work.

Combating Strikes.—The Association has combated a large number of strikes, and has been uniformly successful, for, in the strict sense of the word, it has never lost a strike. In fact, the claim is made that, "No strikes of any moment have been won by the machinists' union since the organization of the National Metal Trades Association." ³⁶ In a few cases, it has had members who compromised with the union, but they were immediately expelled, or found it expedient to resign, and had they not compromised, the Association would have won the strikes for them.³⁷ During the

year 1915-16, the Association dealt with the strikes in the shops of 71 of its members, and to quote Commissioner Hibbard, "in addition, the officers were frequently called upon to counsel and advise employers confronted by labor troubles who were not members of the Association. No issue was compromised and in every case where the employer desired to maintain the Open Shop conditions, they were preserved."³⁸ For 1916-17, Commissioner Hibbard reported, "During the year the shops of 73 of our members were struck. All of these were successfully combated and at the present time but two remain which in any way need our attention."³⁹ In the year 1917-18, the Association had fewer than half the number of strikes that it had in either of the previous two years, and in the year 1918-19, it had only nine strikes to combat, but in 1919-20, it experienced labor difficulties in 56 shops involving 16,000 employees. "During the latter part of April, 1920, the International Association of Machinists called a general strike in Cincinnati involving some 68 plants. The direct object of this attack was to close those shops to all nonunion machinists. This strike lasted for about five months after which it was officially called off by the I. A. of M. without gaining a single concession for the striking machinists. This strike was undoubtedly the most severe test to which the National Metal Trades Association has ever been subjected, involving as it did some six thousand employees and practically its entire membership in that vicinity."⁴⁰ Both the Union and the Association regarded the issues a national matter. The Union had undertaken an extensive organization campaign, and had made Cincinnati the beginning point. The Association recognized the situation immediately and met the issue. Among the 100 struck companies were 49 of its members. In that year, 1920-21, the Association combated 15 other strikes.⁴⁰

Methods.—The Association has reduced the combating of strikes to a science. It has a skilled corps of officers and assistants who advise the member as to the conduct of his

shop in labor troubles or when trouble is threatened.⁴¹ That this advice and assistance are effective is evidenced by the fact that workmen on strike have returned to work when informed by the Association's officers how it combated strikes.⁴² According to one of its advertisements, "It gives its members advice in handling union demands and strikes; it furnishes the men and the money to break unjust strikes; it prevents individual manufacturers being singled out, trapped, bullied or blackmailed by walking delegates. Standing back to back, its members are prepared to resist aggressions on any side. Besides it operates a national employment department for the benefit of both employers and employees."⁴³ Although varying with conditions, its ordinary procedure when the employer has not violated the Declaration of Principles, is somewhat as follows:⁴⁴ As soon as a member learns of trouble impending in his shop, he notifies the branch or main office, or both, frequently by telephone, later by a full written notice,⁴⁵ of the character of the trouble and the probable number of men involved. The secretary of the branch or commissioner at the main office advises the member what steps to take. If these fail to bring about an adjustment, the member notifies the Association officers as soon as the workmen walk out. The secretary of the nearest branch, through the branch labor bureau, proceeds when so instructed to secure workmen to work in the struck shop.⁴⁶ The aim of its officers is to keep the plant in operation or at least to start it as quickly as possible if all reasonable efforts have failed.⁴⁷ In the main office, there is also a labor bureau. In these bureaus are the records of hundreds of thousands of men,⁴⁷ and from these it is usually possible to pick out and notify promptly a sufficient number of men to supply the struck shop. Certificate men⁴⁸ constitute a large reserve force of men loyal to the Association, and they can be depended upon to go to any shop and stay through the most bitter strike.⁴⁹ Guards are also supplied,⁵⁰ generally through the branches, and are

placed in charge of a chief guard, or special representative.⁵¹ These men try to counteract the activities of the union sluggers, and guard duty becomes more strenuous as police protection proves less efficient.⁵² When police protection fails entirely, not only are guards employed in numbers, but also a commissary is established⁵³ and the nonunion workmen given board and sleeping quarters within the factory,⁵⁴ which may itself be surrounded by a stockade. Then the Association may need to have a special car provided for the transportation of the independent workmen, and special police to disperse the parading strikers before the nonunionists can use the car to go to the struck shop, as was the case in the strike on the Mead-Morrison Manufacturing Company.⁵⁵ In such strikes, injunction suits have been brought, usually in the name of the struck member, but in many cases at the expense of the Association, and these have resulted in strong decisions on the right of the employer to employ whomsoever he pleases.⁵⁶ Picketing especially has been restrained.⁵⁷ To keep members in line in struck localities, the Association has kept the affected members continually informed by mail, wire and otherwise of any changes in the strike situation. Even non-members have likewise been kept informed.⁵⁸ The secret service of the Association has enabled it to know most of the union plans before they could be put into operation.⁵⁹ If the branch nearest the struck shop and the employer himself cannot secure sufficient nonunion men to operate the shop, metal workers may be advertised for, or obtained from other branches,⁶⁰ or by employment agents sent to various large cities.⁶¹ Normally, men are drawn from the neighborhood, but in serious difficulties, the cost of transportation from remote branches for new workmen is disregarded. The regulations of the Administrative Council relating to strikes, are:

“The assistance and support given by the Association will be furnished for such length of time, or reduced or discontinued

or qualified, as may be deemed advisable by the Administrative Council of the Association.

"In consideration of the assistance rendered by the Association, the members agree to pay to any men furnished by the Association not less than the hourly or weekly wage paid like employees previous to the difficulty, misunderstanding, or dispute, or even such hourly or weekly wage as is considered equitable by the Administrative Council of the Association. The member agrees either to board men furnished by the Association or further to pay to such men the equivalent of such board, provided such procedure is necessary in the judgment of the Administrative Council of the Association.

"The member shall not and will not make any settlement, or adjustment with its employees or their representatives or committee, or with any labor union or representatives of such union, without the full knowledge and written assent of the Administrative Council of the Association, acting through its Commissioner.

"The member is further to understand that for a period of one year from the date on which the difficulty, misunderstanding, or dispute is declared off, or on which it ceases to interfere with the continuous conduct of the business of the member, it shall and will conduct its business affected by such difficulty, misunderstanding, or dispute, on the OPEN SHOP plan; or, failing to do so, agrees to pay to said Association all expense incurred in its behalf by the Association in the difficulty, misunderstanding, or dispute.

"The assistance and support given by the Association under these conditions is to be received and accepted by the member in full consideration and discharge of any and all demands or claims which the member may, at the time of the strike or thereafter, have against the Association because of said difficulty, misunderstanding, or dispute.

"In consideration of furnishing the relief specified above, the member shall undertake and agree to protect and indemnify the Association from any liability whatsoever for industrial accidents or any injuries of any character whatever to any employees who may be supplied by the Association and to reimburse fully the Association for any damages or expenses in

defending claims for damages arising out of such relation. This stipulation is to apply whether all or a part of the compensation of such employees is paid by the Association.”⁶²

Such in general is the plan for combating strikes made use of by the Association. Since it has handled as high as 87 strikes at one time, it is evident that only a general strike called in a majority of the plants of the members, could stampede the Association—a thing which is largely forestalled by the Association’s preventive measures. Not even the “imperative circumstances” of the War could stampede the Association.⁶³

The Association has two distinctively different general plans for preventing strikes, one of which is concerned with the immediate prevention,⁶⁴ the other with future prevention. The first is considered as defensive, the latter as constructive.

Preventing Strikes; Special Contract Operatives.—

As a defensive measure, the Association has provided a secret service system, by which members can have placed in their shops *special contract operatives*⁶⁵ who will report on the loyalty of the workmen, and even of foremen. Through these, the employer can learn of any agitator in the shop almost as soon as the agitation begins,⁶⁶ for the *special contract operator* works in the shop as an ordinary workman, but as he is skilled in the detection of agitators, he will form acquaintanceship with the suspects, and will probably be among the first approached with any proposals for striking or for making the shop a closed one. These special operatives are of service to the employer when men are to be laid off because of slack work,⁶⁷ or when new men are being taken on, either on account of reviving business, or after a strike is over.⁶⁸ Sometimes the action is drastic and many agitators are discharged.⁶⁹ A *special contract operative* at such times proves of great value to the employer in selecting

workmen who are strictly loyal, or at least, who do not belong to the class that carries on openly or secretly an agitation inimical to the employer's interest.⁷⁰

Other Preventive Measures.—Another preventive measure is to have the member refer any representatives of organized labor who call on him to the Commissioner's office and not hold any conferences with them,⁷¹ for, "experience has demonstrated that much trouble and annoyance can be avoided by this manner of proceeding."⁷² Members are requested to submit to the Commissioner's office and, if branch members, to their local secretary, previous to discussion or argument, any collective demands which may be made upon them by their employees. Members are also cautioned to be careful, in times of unrest, not to make any statements or to take any action which can be misconstrued by either their employees or representatives of organized labor, so that no feeling of distrust may be created or the unrest increased.⁷³ The Constitution provides specifically that "No member of this Association shall wilfully provoke a strike."⁷⁴ A set of instructions to members urges them always to make it a point to refuse to meet any representative of organized labor, on the grounds that such meetings, as a general rule, result in nothing but harm, and seldom are correctly reported to the public by the labor representatives. These instructions also admonish members to avoid publicity in times of trouble, in order to prevent the unions from placing the employer in an unfair light through the daily press, through a misinterpretation of his statements. It is suggested to members that they pay absolutely no attention to false statements by the union, and make no attempt to refute them. Again, prompt notice to the Commissioner, at the first intimation of unrest on the part of the employees, is regarded as the employer's duty, since this notice enables the Association promptly to take advance action to prevent serious trouble. In fact, the Association frequently fore-

stalls large strikes through these measures. The employer is counseled to give his personal and careful attention to the labor conditions in his shop, in order to give that notice promptly, and also to prevent conditions unfair to his employees from creeping into his business. Finally, he is advised to advance deserving employees, and to keep himself informed regularly of the deserving employees, so that he will at all times pay a fair wage for a fair day's work.⁷⁵ The National Metal Trades Association "has always urged its members to pay the highest prevailing wages commensurate with skill and productivity — a good day's wages for an honest day's work — and will not permit conditions of wages in the shops of its members which are unjust or which will not allow the workman a fair wage in proportion to his efficiency. It has always advocated and insisted upon the maintenance of wholesome shop conditions and considerate dealing with employees."⁷⁶ Its President has urged that the productivity of the individual employee should be the basis for determining wages, and has attacked the "cost-of-living" basis as fallacious and disastrous.⁷⁷ For the purpose of eliminating agitators and agitation, the Commissioner has made the following recommendations to members to act on in times of depression: "Voluntary adjustments of wages, where proper and deserving; a careful examination of the sanitary and safety conditions and of working hours, as compared with others; the retaining of faithful, competent and loyal employees, and the discharge of those who cannot be so described, will do much to lessen the likelihood of trouble later on."⁷⁸ Undoubtedly, by these measures, the Association tends to reduce agitation and unrest and so prevent strikes.

If the employer increases wages voluntarily as the demand for labor increases, the union will lose part of its ground for agitation. Accordingly, the members of the Association have been urged to increase wages as the demand for

labor increases, because it is good business, as it will keep the employees in the shop of the member instead of driving them into other shops; it will keep them contented and ready to work with hearty good will; it will keep his product up to the standard and practice of the time by enabling him to retain his efficient workmen; and if practised continuously will make him immune from strikes and their consequences. So the counsel runs, and furthermore the member is informed that in general the wise policy for the manufacturer is to pay his employees the best wages that he can afford to pay. Finally, the Association warns its members that it does not extend its protection against ordinary wage strikes.⁷⁹

As the unions often point to high wages in one locality as a reason for equally high wages elsewhere, the Association has on occasions deemed it advisable to prepare statistical tables of wages paid to workmen coming under its classification of operatives. The members send in the information as to wages in their own shops, and this is compiled in the main office, and the booklet or schedule mailed to the members in confidence.⁸⁰ The Association does this as a national function, although it regards the question of hours and wages as matters for the branches to deal with, and will not combat a strike where the demand is purely for wages which are not considered excessive. This handbook or schedule of wages also enables the member to judge whether he is paying the fair wage required by the Declaration of Principles, but undoubtedly its greatest function is in preventing strikes, by giving the employer the information how best to meet agitation for increased wages.

Similar to this is the advice that the Commissioner has given to certain members about reducing the hours of work in a day without reducing the daily wage, for, this means in practice an increase in the hourly wage. The Association has also compiled a table of the hours per week worked in

the shops of its members—to show that the unions had failed in their agitation for the forty-four-hour week during the years 1914–1919,—of 532 members that reported hours of labor in 1919, 96½ per cent worked 50 hours or more per week, but in 1920, of 557 members who reported, 76 per cent worked over 48 hours a week, 20 per cent 48 hours a week, and only four per cent less than 48 hours a week.⁸¹ Apparently, members of the Association have found it advisable to grant a shorter work day.

Also, the Association, through strike committees, has prevented non-members of the Association from making agreements with the union, or from acceding to the union's demands, since, such action would give the union a leverage to force the Association members into an undesirable position where either great losses to the member or capitulation to the union might follow. As every defeat of the union tends to weaken it just as every victory tends to strengthen it, the Association has combated strikes for non-members or probationary members at their expense.⁸² It is a logical part of this program that the Association has been carrying out when it has endeavored to have the railroad machine shops made open shops, for unionized railroad machine shops have proven to be a stronghold of the machinists' union from which it has made raids on Association members. In order to get the railroads to co-operate with the Association in this matter, provisions have been made to extend to them the Association's facilities,⁸³ and leaders of the Association have urged the necessity of an appeal to the investor, the banker,⁸⁴ and Wall Street, since if these could be made to see the results of allowing the railroad shops to be unionized, they would probably demand that railroad managers declare for the open shop. For example, one of its leaders thus expresses the situation: "If Wall Street could be convinced that the Open Shop means increased peace and harmony to the employees, and in-

creased dividends to the owners of railroad stock, much good would result.”⁸⁵ This is a natural development of the attempts of the Association to prevent the union from crushing a single employer by concentration of forces upon him, through a draft for funds upon the thousands of union members employed in other shops. The development has come through the fusing of local associations into the national organization, since a local association engaged in a strike contest single-handed, would have a big financial proposition on its hands.⁸⁶ Yet in order to get quick action in case of trouble, some sort of local organization has been deemed necessary for protection.⁸⁷ For instance, it cost the Association in the year 1906-07, the sum of \$83,-270.43 to handle 59 strikes, and in 1907-08, the sum of \$86,-450.40 to handle 98 strikes.⁸⁸ As strikes are generally confined to one or two localities in a year for any industry, it is apparent that a local alone would have a large financial burden to bear in the year that strikes became prevalent in its territory. Now, if the Association could enlist the railroad shops in the open-shop cause, not only would the unions be weakened, but the risks would be better distributed. The Association may well be called a mutual insurance company against strikes or the losses of strikes,⁸⁹ and like a fire insurance company it aims not only to reduce losses to the insured, but also to prevent losses by reducing occasions and causes.

In this respect the Association may well be characterized as one of the most progressive associations in America. Its belligerency toward the union extends to efforts to make the union useless to the workers, and to convince the workers that the union is useless, or even harmful to their best interests,⁹⁰ in all, to render futile the activities of the belligerent union.⁹¹

Its branches operate labor bureaus where the records of hundreds of thousands of men are kept,⁹² and through

these bureaus it prevents undesirable men of all sorts,⁹³ but especially the trouble-maker,⁹⁴ from securing employment in the shops of its members.⁹⁵ Its officers strongly advise members to employ workmen only through the labor bureaus⁹⁶ and thus prevent labor troubles. It also urges its members to use great care in selecting foremen, in order to secure only loyal ones, because, "in a shop where the foremen are loyal, resourceful and with initiative, it is an exceedingly easy matter for the National Metal Trades Association, with its resources and ramifications, to break a strike in that shop in very much less time, and at very much less cost, with infinitely less annoyance than in a shop where such conditions do not prevail."⁹⁷ Furthermore, its leaders importune the members to take a sufficient number of apprentices into the shops, so that the supply of independent skilled metal workers will be equal to the demand.⁹⁸ Individual agreements between the workers and the employer have been formulated by the Association and used by certain members. Some of these agreements have been reproduced as models in the Association's literature with instructions how to use them legally, so that other employers might likewise have legal ones drawn up. A number of these agreements provide for the retention of a part of the wages of the worker and the forfeiture of this deposit as damages to the employer should the employee leave without due notice.⁹⁹ The N. M. T. A. has discussed and considered "employee representation" as a means for securing loyal employees.¹⁰⁰ Thus does the Association strive to prevent strikes by having only men loyal to the employer in the shops of its members.

Legislative Activities.—As the unions have attempted to gain strength through the enactment of legislation favorable to themselves, the Association, in its defense of the employer against strikes and in preventing strikes by depriving the union of certain coercive tactics, has found it necessary

to enter the realms of legislation and politics. As early as 1902, the Association opposed a federal anti-injunction bill, by having its members write letters of protest in great numbers to nearly every member of Congress.¹⁰¹ Regularly since then, both it and its branches¹⁰² have been represented before Congressional committees in opposition to bills that it has regarded as vicious and pernicious.¹⁰³ Eight-hour bills, anti-injunction bills, bills legalizing boycotting, bills prohibiting time studies and premium payments, and bills restricting the transportation and use of strike breakers,¹⁰⁴ have been generally opposed both before national and state legislatures.¹⁰⁵ If it is impossible to defeat such measures, an attempt is made to have them seriously amended.¹⁰⁶ On the other hand, it has proposed legislation calculated to lessen violent activities by the unions. For example, it has formulated a model bill to regulate the manufacture, sale and use of explosives,¹⁰⁷ in order that the unions might not use dynamite to terrorize employers,¹⁰⁸ without running great risks of detection. Its members have given their hearty support to this bill before a large number of state legislatures.¹⁰⁹ Members of the Association engaged in the manufacture of munitions of war had trouble with the union solicitation of their nonunion employees to join the union, and if that was refused they were strongly urged to join either the army or navy. Partly to meet this move of the union, the Association strongly advocated and helped secure the passage of a bill providing for "selective conscription," although, of course, it did not originally propose such a bill.¹¹⁰ In order that the unions might not monopolize so easily the supply of skilled laborers, and thus coerce the employer to grant all union demands, the Association has also advocated legislation for the establishment of industrial education in the public schools.¹¹¹ In co-operation with the National Founders' Association, the N. M. T. A. has outlined, discussed and proposed the principal provisions for

a workmen's compensation act, in order that the union leaders might not secure—to quote the association—“oppressive and unjust laws of far reaching consequence.”¹¹² As the unions have gone into politics in order to get favorable legislation, the Association has deemed it wise to oppose them, and it has, for instance, sent its representative to appear before the national conventions of both the Republican and Democratic Parties to prevent the insertion of labor planks in the party platform.¹¹³ A number of its branches have contributed to the defeat of certain labor leaders and supporters for public office, and accordingly have helped elect officials who are favorable to the employers.¹¹⁴ Inasmuch as many public officials are frightened by the labor leaders who threaten to defeat those who oppose union measures and policies, the Association has attempted to convince public officials and others that the so-called labor vote is a sham, and that no one can deliver the labor vote. To illustrate and partly demonstrate this point, the Association has published numerous instances in which the unions suffered political defeat.¹¹⁵

In this same field of legislative activity, comes the attempt of this Association along with many others, to prevent the invasion of the present domain of private enterprise by governmental undertakings or strict government regulation,¹¹⁶ although in this respect, this Association is not to be classed with certain reactionary associations. However, its literature shows it to be opposed to municipal ownership,¹¹⁷ in fact to government ownership in general, and accordingly, to all measures designated as socialistic as opposed to individualistic ones. Naturally, it is a sturdy opponent of socialism in any form, from the revolutionary type to the reform sort. It believes rather in the government encouraging private enterprise even by means of subsidies, for example for an American merchant marine. It condemned the National War Labor Board; it denounced the U. S. Em-

ployment Service for its alleged pro-union activities; and strongly disapproved of the policy of the National War Labor Policies Board, especially the policy of standardizing the work day in the metal trades. It characterized the refusal of Assistant-Secretary of Labor, Louis Post, to allow the wholesale deportation of "reds" as "an act of treachery which true citizens should not condone."¹¹⁸ Thus does the Association endeavor to strengthen and defend the employers' cause against the attacks of the unions, their sympathizers, and other reformers.

The Boycott constitutes one of the most prominent coercive methods of the national unions, and since its unrestricted use tends to weaken the employers' forces and strengthen the unions, this Association provided as early as 1903 for a system of patronage to offset any boycott placed upon any of its members. The Commissioner, upon being notified of any such boycott, was to notify the entire membership and each member, in making purchases, was to give preference to the boycotted member over all competitors until the boycott was declared off. In addition, the Administrative Council was instructed to make reciprocal agreements with other associations to patronize the boycotted members of the associations involved. Furthermore, it advocated the formation of a national anti-boycott association to resist the boycott by proper and legal means, to assist in enforcing the laws against the boycott, and to create a strong public sentiment against it.¹¹⁹

As a contrast to these anti-boycott measures, we find a branch engaged in boycotting. The Constitution (1905, pp. 10 - 11) of the Chicago Branch, National Metal Trades Association, prohibited members, among other things, from paying money to advertising schemes in pamphlets, bulletins or other publications of any kind issued by any trade association or union, or from making any donation, or buying any tickets for picnics, balls, parties or entertainments

given by trade unions or associations. As the unions find such activities as those prohibited a fruitful source of revenue, the prohibition constitutes a direct financial attack upon such labor organizations. Moreover, members are expected to refer all such solicitors to the secretary of the Branch, and are required to notify his office whenever they are approached for aid to such schemes, and it then becomes his duty to notify each member at once by bulletin. The National Association had also similarly advised members on this matter.¹²⁰ Such prohibitions and advice limit somewhat the issue of union literature, and so reduce agitation and prevent strikes to that extent.

Industrial Betterment Activities.—The foregoing activities for preventing strikes may be regarded as primarily defensive, since they are direct in their attack upon the union. Constructive measures, so-called, although in part defensive, are designed, with regard to future developments, to take from the union its strong appeal to the workers and the public in general because of the benevolent features claimed for such organizations, and because of the bad working conditions of industry so far as such exist. Among its constructive measures are profit sharing, industrial education, accident prevention, hygiene, sanitation, and compensation for injuries to workmen.¹²¹ Sometimes these are classed as industrial betterment activities,¹²² or welfare work, although there is no general agreement as to the exact meaning of these terms.

In addition to advocating increased wages for employees¹²³ and fair wages at all times, the leaders of the Association have sometimes expressed themselves in favor of profit sharing, either in the form of bonuses for excellent work or long service, or as dividends on wages or stock owned by the employees sold to them at low prices on the installment plan, or in some manner best suited to the business of the member. Officially, "The Association has never

expressly advocated profit sharing, although, of course, it has never opposed it." ¹²⁴ If the employee can be made to feel that he is part owner of the business through holding stock in the company, he is less likely to become an agitator or to strike the shop. ¹²⁵ Likewise, he is more apt to feel contented if he secures a bonus, or even higher pay for excellent service. The extra wages or rewards anticipated, usually tend to make an employee immune to the germs of unrest spread by agitators, since he is somewhat inoculated by the extra gains he receives as a capitalist.

Industrial Education.—The Association has given encouragement and support to the movement for industrial education. ¹²⁶ Every member has been urged to take young men into his shop and teach them trades. Various forms of apprenticeship agreements have been drawn up for the use of members and finally one was adopted as the standard. Financial support has been accorded to the National Society for the Promotion of Industrial Education to aid it in its propaganda for industrial schools. ¹²⁷ The Winona Technical Institute, later the National Trade Schools and Technical Institute, received donations of money and machines from the Association and its members. ¹²⁸ Scholarships were also provided for students who were learning the metal trades in the school for machinists established there. ¹²⁹ A number of the branches have co-operated with private and public industrial schools. Usually its members have had much to do with the establishment of such schools. The Chicago Branch has co-operated with the Lewis Institute for a number of years; the Cincinnati Branch with the University of Cincinnati and the Cincinnati Public Continuation School, which the Branch had caused to be established; the St. Louis Branch with the Rankin Trade School; the Cleveland Branch with the school conducted by the Young Men's Christian Association of Cleveland; and so on with other branches. ¹³⁰ The N. M.

T. A. now (1921) has a committee on industrial education, which is urging upon members of the Association to undertake some one or several means of training up skilled workmen, instead of "stealing labor from other employers." It has also established an industrial training department with a superintendent of industrial education in charge. This department has recommended the establishment of a "central training school to give preliminary training to the workers, to serve also as a pool from which help can be drawn as needed."¹³¹ In these and other methods employed by the Association, its aim, it is fair to say, has been to secure a supply of skilled labor in the metal trades sufficient to meet the demands for such workmen at all times, a preparation for future needs,—and this tends to prevent strikes.

Accident Prevention.—Accident prevention has been undertaken on a large scale by the Association. Not only does it agitate for accident prevention on the part of its members, but it also attempts to teach both employer and employee how to prevent accidents. It has employed a Safety Inspector who devotes his time to inspecting the shops of members and recommending to them appliances and methods for preventing accidents.¹³² He has written a series of articles on the various phases of this subject and on occasions has delivered addresses on it to both employers and employees. A "Safety Talk" illustrated by lantern slides has been given by the Safety Inspector at the plants of a considerable number of the members.¹³³ The Association has issued articles in various forms, reprinted parts of articles issued by other concerns, and has approved officially publications of other organizations.¹³⁴ It has issued "Safety Notes," "Safety Appliances,"¹³⁵ and, for the education of the employees especially,¹³⁶ a pamphlet, "How About Accidents?" in which the workman is shown how he may reduce accidents, and the appeal is made that it is a

duty which he owes to society, to his family, to his employer and to himself, to co-operate in reducing accidents.¹³⁷ In 1915, the Association began the publication of *N. M. T. A. Safety Bulletins*, but discontinued them shortly and joined in the issue and distribution of the "Spirit of Caution," while these were published by the Conference Board on Safety and Sanitation.¹³⁸ Accident prevention serves two ends for the Association: It shows a humanitarian aspect and betters working conditions, and thus eliminates, in part, the grounds of the agitator to appeal for sympathy and support; it meets, in advance, laws for workmen's compensation, and saves the employer money from damages and litigation. The Association has discussed and favored certain laws for workmen's compensation,¹³⁹ and also has considered somewhat the establishment of a Mutual Liability Insurance Company for its members.¹⁴⁰ The New York and New Jersey Branch has insured a large number of the employees of its members.¹⁴¹

Educational Work.—A propaganda is carried on by the Association, (1) to educate the employer, (2) to educate the workman,¹⁴² and (3) to educate the outsider.

Both members and non-members are appealed to in the educational campaign. The employer who is not a member is appealed to through literature and the personal solicitation of members, to become a member of the Association and to co-operate with it in solving the conflict between capital and labor. The member is instructed in various ways how to aid fellow members in trouble, or in preventing strikes; in fact, he is educated in every phase of the Association's activity, so that he may co-operate fully at all times. The *Bulletin* and letters to members are published with this end in view.¹⁴³

The propaganda to educate the employees is designed to convince them that their welfare is linked up with the prosperity of the employer; in the words of one of the Associa-

tion leaders, "to demonstrate that the chief contentions for which the unions stand,—the closed shop, the boycott, the minimum-wage scale, an eight-hour day, limitation of apprentices, opposition to piece work and to the premium plan and similar profit-sharing systems,—are against the true interests both of the employer and the workmen."¹⁴⁴ The literature of the Association, accordingly, abounds with indictments of unions specifically and in general, and contains many arguments against the practices of unionism. Moreover, it attempts to prove to the employees that the employer, as a rule, has their welfare at heart, and that all employers should not be judged on the same basis as the bad employer.

It has endeavored to convince the educators of the country that its viewpoint is sound.¹⁴⁵ In the words of a leader, it plans to disseminate "accurate information about Unionism as it is now conducted, which will at the same time promulgate sound governmental and economic doctrines, engendering respect for free institutions and confidence in the destiny of our Republic."¹⁴⁶ As early as 1903, it passed resolutions for the establishment of an *educational bureau*, and through this and by means of lectures and publications, it attempted—in the words of the resolution—to "disseminate correct information concerning the heresies of trade unionism."¹⁴⁷ Such a program has been only partly carried out. In 1915, and annually since 1917, the Association has appropriated \$10,000 each year for publicity work to be expended by a committee on publicity.¹⁴⁸ That committee reported in 1916, "that much good is being accomplished in a quiet way."¹⁴⁹ The Association has recently joined the National Industrial Conference Board in its "educational work," and usually appropriates annually \$5000 toward the work of this Board.¹⁵⁰

This propaganda is conducted in general through the media of the spoken and the printed word, although letter

correspondence plays no unimportant part. Addresses form only a small part of the work, since an address reaches only a limited number of people, unless it is printed and distributed widely. Many addresses are to be found in the printed proceedings of the conventions. In practice, most of the printed literature is intended for the public in general, and the employer and the employee alike. The *Bulletin*, recently issued for members in pamphlet form and now in letter form, was formerly published for general distribution in magazine form. As a magazine, it was succeeded by the *Open Shop*, which was intended for all persons interested in labor questions. Later, the *Open Shop* was discontinued, and now the Association helps the National Founders' Association to publish the *Open Shop Review*.¹⁵¹ In the 1912 convention, members were pledged by a resolution to place the *Open Shop Review* in the hands of as many of their employees as possible, and in 1919, the Association was sending the magazine into the homes of 17,000 of the employees of its members.¹⁵² Among the other publications of the Association are "Industrial Betterment Activities," "The I. W. W.," "Excerpts," "Real Significance of the Eight-Hour Day," "Industrial Preparedness,"¹⁵³ and "A Straight Sermon to Young Men."¹⁵⁴

Moreover, its branches are using entertainments to educate employees on various subjects. For example, "The Cincinnati Branch, National Metal Trades Association, has inaugurated a series of entertainments for the benefit of members and their employees. The first of these was held in Music Hall on the evening of November 12, with an estimated attendance of over 3500."¹⁵⁵

Even in its campaign for members, the Association exercises discretion in the selection of its prospects. Not all employers are welcome to its ranks; only those are desired whose condition and attitude of mind on the subjects in which it is interested, are such as to make them *desirable*

members and *fair risks*.¹⁵⁶ They must be in accord with its principles, so that the membership will mean something more than mere numbers, so that it will mean aggregated harmony of purpose.¹⁵⁷ Its general policy is more or less fixed; it may vary somewhat with a change in commissioners, but the annual change of presidents has little or no effect.¹⁵⁸ It has an organization which does not rest upon the president, although "his advice and guidance are always very important in the shaping of the policies of the organization, he as a rule having served previously as a member of the Executive Committee. The details of the work are, of course, carried on by the paid officers."¹⁵⁹ It takes no chances whatever with indiscreet young officers.¹⁵⁹

Interrelations.—In its many activities and through its members, it is variously related to other associations. In the first place, it was organized by members of the National Founders' Association,¹⁶⁰ and, through joint committees and exchange of convention speakers it has had a more or less close relationship with that association ever since.¹⁶¹ Close relations are brought about through co-operation of officers and the occasional interlocking councilors.¹⁶² These associations now co-operate in publishing the *Open Shop Review*, and at one time in the past they combined in having Marshall Cushing represent them at Washington, D. C., in opposing legislation inimical to their interests.¹⁶³ At the request of President Briggs of the National Founders' Association, the N. M. T. A. endorsed the Findings of the Anthracite Coal Strike Commission.¹⁶⁴ The N. M. T. A. and the N. F. A. are related through members, for a considerable number of concerns belong to both organizations, and these have attempted at times to have the two organizations consolidated.¹⁶⁵ The two associations had the same representative before the Commission on Industrial Relations.¹⁶⁶ Both associations were members of the Conference Board on Safety and Sanitation and other conference boards.¹⁶⁷

Many of the members of the N. M. T. A. are also members of the National Association of Manufacturers,¹⁶⁸ and some of its branches are affiliated with the National Industrial Council, which is a subsidiary organization of the National Association of Manufacturers.¹⁶⁹ In 1903, the N. M. T. A. passed resolutions heartily commending the successful work of the National Association of Manufacturers in opposing certain legislation.¹⁷⁰ Mr. Emery, of the National Industrial Council, has addressed the members of the N. M. T. A. on several occasions in regard to legislation that both organizations were opposing.¹⁷¹ The counsel of the N. M. T. A. has co-operated with the counsel of both the National Association of Manufacturers and of the National Founders' Association in opposing legislation and in similar activities;¹⁷² in fact, in this field, the N. M. T. A. works in harmony with a number of other large and influential associations of manufacturers.¹⁷³ It has co-operated with the American Anti-Boycott Association, or League for Industrial Rights,¹⁷⁴ and as early as 1903 began an agitation in favor of an anti-boycott organization.¹⁷⁵ A number of its members are also members of the League for Industrial Rights.¹⁷⁶ The representative of the N. M. T. A. before the Commission on Industrial Relations was Mr. Walter Drew, Commissioner of the National Erectors' Association. Mr. Drew has spoken at the conventions of the N. M. T. A., for instance in 1920.¹⁷⁷ The N. M. T. A. has co-operated with the National Machine Tool Builders' Association, especially in connection with a common apprenticeship system.¹⁷⁸ Its officers have addressed other associations in convention assembled, and officers of other associations have likewise appeared before its conventions.¹⁷⁹ For example, President Copeland of the Association addressed the United Metal Trades Association of the Pacific Coast on several occasions,¹⁸⁰ and Mr. Merritt of the League for Industrial Rights addressed the members of the N. M.

T. A.¹⁸¹ It has placed itself on record as in favor of the formation of organizations of independent workmen as fit instruments with which to fight the unions.¹⁸² It has formed local organizations of manufacturers in a number of large cities, and its members have caused their workmen to combine in mutual aid associations.¹⁸³ Its branches have organized superintendents' and foremen's clubs.¹⁸⁴ It has agitated for an American Federation of Employers, or National Employers' Council for some time,¹⁸⁵ and its members in large numbers took part in the formation of the Chamber of Commerce of the United States,¹⁸⁶ and in making that body an employers' association.¹⁸⁷ It has been related to the Railway Business Association through an officer common to both, and has co-operated with that organization against restrictive railway legislation.¹⁸⁸ Its officers correspond with a great number of officers of other associations,¹⁸⁹ not only in its territory, but also on the Pacific Coast,¹⁹⁰ and even with associations in other nations. It has made attempts to aid the Employers' Federation of Belfast, Ireland, by obtaining certain information for that organization as to piece-work prices and the operation of designated machines, to be used in a contest with a trades union there.¹⁹¹ In 1911 officers of the N. M. T. A. attended the convention of the U. S. Brewers' Association in an effort to induce the brewers to take no pro-union action in their meeting.¹⁹² Through its branches the N. M. T. A. has been related to hundreds of local associations.¹⁹³ Finally, it helped to organize and was represented on the Conference Boards on Safety and Sanitation, on Training of Apprentices, on Industrial Education, and on the National Industrial Conference Board, through which Boards it was related to a number of the largest and strongest associations of the United States.¹⁹⁴

The foregoing outline of the National Metal Trades Association contains only illustrations and brief statements as to

its structure and activities. The purpose has been to show as briefly as possible the character of the Association. In comparison with other associations, it is less secretive than they, although it regards many of its affairs as strictly confidential; ¹⁹⁵ it is as far reaching in its activities; it is probably more progressive both in activities and viewpoint; and it has accomplished more in the general field for the employer. Mr. John Kirby, Jr., while President of the National Association of Manufacturers and of the Employers' Association of Dayton, Ohio, and closely identified with the employers' association movement in general, "declared his belief that the National Metal Trades Association had done more lasting good for labor than all other organizations combined." ¹⁹⁶ Doubtless some special associations have accomplished more in their special but limited field than has this Association in that special field, but they are for that very reason less typical of the whole movement.

Summary.—The development of the National Metal Trades Association's structure and activities may be summarized as follows:

1. It began as a local negotiatory association and developed into a national belligerent one.
2. It began as an informal organization, but during a strike shortly evolved into a formal association.
3. It started as a loose confederation, but is becoming more centralized in control, although it employs local organizations to defeat unionism.
4. It has eliminated the *very small* employer in depressed times by establishing a minimum assessment, and thus tends to further concentration of industry.
5. It has increased the number of branch offices in order to deal quickly with strikes and other labor troubles.
6. It operates local employment bureaus in twenty-three

different cities for the benefit of its members in keeping agitators and other undesirables out of the shops of its members.

7. It utilizes a secret-service system to keep agitators out of the shops of its members, and to prevent agitation among the employees of its members outside of the shop.
8. It is accumulating and maintaining a large defense fund.
9. It has evolved a systematic and very effective method of combating strikes — a reserve army of certificate men, guards, etc.
10. It advises members how to avoid strikes, and also as to developments in strikes elsewhere.
11. It co-operates with non-members in combating strikes, and in preventing strikes.
12. It seeks the co-operation of the investor, the banker, and Wall Street in taking measures to prevent strikes.
13. It is beginning to recognize that while it is usually advisable to leave questions of hours and wages to local organizations to handle, that the growth of the conflict to national limits, requires that the National Association should take a part in the settlement of such matters.
14. It advises its members to keep wages, hours and working conditions in their shops such that no just grounds for agitation can exist,— it prepares data to keep members informed as to what is the usual practice. It conducts research work on important industrial problems, and sends its members bulletins and weekly letters on questions of special interest.
15. It urges that members should train up plenty of apprentices, and favors industrial education to make skilled workers.
16. It offers suggestions as to model individual contracts between the employer and each of his employees.

17. It has attempted to offset union boycotts by a patronage system, but has not needed to do this recently because of the success of the League for Industrial Rights.
18. It has opposed union legislative proposals before both state and national legislative bodies.
19. It has advocated the enactment of bills to regulate the use of explosives so that they may not be used by the unions to terrorize its members.
20. It has attempted to prevent the insertion of labor planks in the platforms of the two leading political parties in the United States, and a number of its branches have participated in the defeat of labor union leaders for public office.
21. It has advocated industrial betterment among employees, and assisted in the Americanization of our alien-born.
22. It has undertaken accident prevention on a large scale.
23. It has conducted a propaganda to "educate" workmen and employer and to some extent, the general public.
24. It has co-operated extensively with other associations for a common purpose.

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CHAPTER V

THE NATIONAL ERECTORS' ASSOCIATION

THE National Erectors' Association is an organization in both the iron and steel industry and the building industry. It is a belligerent association, as are a majority of the larger associations in the iron and steel industry. In contrast to the other associations in the building industry — which are predominantly negotiatory — the National Erectors' Association is highly belligerent.

Membership.— The National Erectors' Association has only a few members, about 50 in number,¹ but as many of the member concerns are large corporations national in scope, it is a powerful national organization. It is composed of employers engaged in the business of fabricating and erecting iron and steel structures.² Its Commissioner, Walter Drew, has stated that its members fabricate and erect about 75 to 80 per cent of the structural steel and iron in this country.³ It has affiliated with it several of the large construction companies of the country, companies that take contracts for the erection of entire buildings, including the steel and iron parts.⁴ In addition, it has had a close working agreement with the three local iron associations in New York City, and some of its members have belonged to these local organizations. It has also had various relations with other associations throughout the country.⁵

Structure, Government and Dues.— In many respects it is an informal organization. It had for a number of years no written constitution, by-laws, or any hard and fast rules of any description, and its present unprinted Constitution is

very brief, a bare outline. It holds its members only through a recognition of a community of interest in maintaining the open shop. The government of the Association is vested in a general Executive Committee and in district committees. The former fixes and collects the assessments and carries on all business not of a local nature. This Committee has appointed a commissioner as executive officer, Mr. Drew, who conducts the business and executes the policy of the Association, subject to the Committee's direction and approval.⁶ Dues are levied on the members, on the basis of steel fabricated or erected, about three cents a ton. The general income of the Association has been about \$30,000 a year.⁷ *

Objects.—The object of this Association is “the institution and maintenance of the Open Shop principle in the employment of labor in the erection of steel and iron bridges and buildings and other structural steel and iron work.”⁸ Its only declaration of principles is to employ workmen “irrespective of membership in any organization, and without discrimination. Effort is always made, however, to give employment to loyal independent workmen who accepted employment during the struggle with the union caused by the open shop declaration of the Association. Any preference in employment is given to these men. . . . ‘A fair day’s work for a fair day’s pay,’ best expresses the spirit of the Association’s wage policy”⁹ It claims not to have reduced wages, but to have increased them for individuals with superior merit or skill, and it further claims that in some localities it has advanced wages because they were below those paid elsewhere, and in addition has given a general advance in rather recent years.¹⁰

Evolution into a Belligerent Association.—The Association, like the National Metal Trades Association and the National Founders’ Association, has within the past twenty

* The Association, however, has spent on its secret service in a two-to-three-year period, the sum of \$50,000. [Sq D 8: 530] This, of course, required a special income.

years undergone an evolution from a weak negotiatory organization in New York City to a strong belligerent national association.¹¹ Its early character is indicated by the fact that it existed for a number of years under various names,—it had no distinct name or policy of its own, unless it be called a policy to take what terms it could get from the union. It entered into trade agreements with the unions, but as the unions were very powerful in the building industry in New York City at that time, such agreements did not protect the members of the Association from restriction of output, blackmail, or even strikes. It was organized as a national association on March 3, 1903, under the name of the National Association of Manufacturers and Erectors of Structural Steel and Iron. Even as a national organization, its purpose was to deal with the union. The great growth in the use of structural steel about this time was one of the main causes for concerns engaged in this business to become national in their scope, and so to make the Association a nation-wide one. But the structural iron workers' union wished to increase its jurisdiction as the concerns grew. The American Bridge Company was one of the concerns that was rapidly expanding, so much so, that the union thought that a number of smaller concerns were merely disguised subsidiaries of the former, and sought to unionize them. The union tried to force the American Bridge Company to compel its subcontractors to employ only union men. It contended that the subcontractors were really subsidiaries, and that the subcontracting was only a ruse of the Company to deceive the union, so that it could employ nonunion men. But this was only one of a series of complications. Another source of trouble was the contest between the unions and the National Tube Works over the right of the Works to erect or repair steel and iron structures within its own plant with nonunion men.¹² Finally in October, 1905, the issues became so drawn as to lead to a declaration by the Association for the open shop on May 1, 1906. The breaking point

came when the union demanded that all the members of the United States Steel Corporation manufacturing steel should refuse to deliver any structural steel whatever to any contractor who did not propose to erect it with union men.* This step, of course, involved the American Bridge Company as a member of the United States Steel Corporation, and especially in connection with a contract it had with the Boston Bridge Company which was employing nonunion workmen.¹³ The agreement between the union and the Association expired on January 1, 1906, and no attempt was made to renew it. Matters drifted until May 1, 1906, when the Association put its open-shop declaration into effect: "Its members at once began their work upon that basis in different parts of the country. In anticipation of this movement, a commissioner had been secured in March and preparations made for the opening of employment bureaus and the taking of such steps as might become necessary. A working agreement for mutual assistance and co-operation was made with the Allied Iron Associations of New York City, which had also adopted the open-shop policy, and the affairs of all the associations were placed in the hands of one commissioner. Employment bureaus were conducted in New York, Pittsburg, Cincinnati, Chicago, Cleveland, and temporary recruiting stations were established at other places at different times."¹⁴ Unions in New York City and Pittsburg fought most desperately, but were finally forced to accept the open shop.¹⁵ In this movement, the Citizens' Industrial Association of America, according to its President, C. W. Post, was active; it assisted in the reorganization of the erectors, and had its Secretary, Mr. James A. Emery, act as commissioner and hold them together until it secured

* The union thus established a precedent for the steel companies to retaliate by refusing to deliver steel for erection by concerns operating under the closed shop—as was charged in the recent investigation in the building trades of New York City that the steel companies had done.

Mr. Drew as commissioner. With minor exceptions on the part of individual concerns, all the cities in the country except San Francisco and Chicago became open shop in the erection of structural steel, and even in these two cities, buildings were erected on the open-shop basis.¹⁶ Since then the fight has gone on fiercely in various parts of the country, victory in a particular city sometimes has rested with the union, more frequently with the Association. In order better to carry on its fight against the union, the Association has established and maintains District Offices and Labor Bureaus in New York City, Pittsburg, Pa., Cleveland, O., Kansas City, Mo., Buffalo, N. Y., Milwaukee, Wis., and Philadelphia, Pa.¹⁷

War Upon Closed-Shop Unionism.—The National Erectors' Association is undoubtedly the most class-conscious and belligerent national association in America today. Evidence of this is to be found on every hand. It creates and puts into operation whatever machinery is necessary to meet adequately the demands of any situation and to protect its members in any complications that may arise on account of their observance of the policy of the Association.¹⁸ It works in harmony with local employers' associations and builders' exchanges wherever mutual interests or policies are found, and has given to and received from these local associations very material assistance at different times. In many of the larger cities it has a working understanding with local associations to use their employment bureaus whenever it desires.¹⁹ "Aside from the general work of organizing and of managing the Association, the Commissioner also gives his personal time and attention to any particular situation that requires it. Besides his practical experience in labor troubles, he is a lawyer who has made a specialty of industrial law. His legal advice and services are at the disposal of the members in any question pertaining to labor matters."²⁰ But he has never begun injunction

proceedings for the Association against any union.²¹ He has written a number of powerful articles on the position of the Association on labor questions, has severely condemned closed-shop unionism,²² and has made impressive arguments before congressional committees against bills advocated by the American Federation of Labor.²³ He has brought strong indictments against closed-shop associations and unions in the building industry in New York City.²⁴ He has advocated an American Federation of Stockholders in order to make them class conscious and line them up against present-day unionism in political and legislative as well as in the industrial field.²⁵ He has addressed meetings of other employers' associations, for instance, the Connecticut Manufacturers' Association and the National Founders' Association, both in 1917, and the National Metal Trades Association in 1920.²⁶ He organized and served as Counsel for the American Erectors' Association;²⁷ he was Counsel for the Joint Committee of Associated Employers before the Commission on Industrial Relations, and has also been Counsel for the Iron League Erectors' Association of New York for a number of years.²⁸ The National Erectors' Association, besides being a member of the National Industrial Council and the National Industrial Conference Board,²⁹ has co-operated with the National Association of Manufacturers as an associate in the National Open Shop Publicity Bureau, which endeavored to enlist investors, owners, builders, architects and the general public as consumers, in the campaign for the open shop. To this end a series of booklets have been published and distributed, among which are "The Story of Duluth and the Open Shop," "To Build Open or Closed Shop — Which? Ten Reasons and a Conclusion Addressed to the Owner," and "Restriction of Output in the Closed Shop." In addition, Mr. Drew has written and distributes "Closed Shop Unionism," "The Boycott," "The Crime of the Century

and Its Relation to Politics," "Deeds Against Words," "Labor Unions and the Law," "The Strike, the Lockout and the Neutral Citizen," "Trade Unionism — a Constructive Criticism," "The Policy of Organized Labor in the War," "The War Time Pledge of Organized Labor," "The Duty of Organized Labor in War Time," "Situation in the Structural Iron Industry in New York City," "Structural Iron and Steel Fabricators Submit Statement to National War Labor Board," "Our Lessons from England's Experience," "Your Agent, the Builder," and "A Letter to the Architect about Closed Shop Clauses in Building Contracts."³⁰ While there is much that is similar in these booklets, they contain powerful arguments against closed-shop unionism, especially in the building industry, and, accordingly, must have done much to promote the open shop. The titles suggest well the substance of the booklets. Undoubtedly, the Association had much to do with making Duluth an open-shop city, for it has many times lent material aid to other building trades than its own in their movements for the open shop, and it stands ready to lend its whole power and influence to the open-shop cause in any of the other building trades. In the great fight in the building trades in Washington, D. C., in 1907, the Association lent its Commissioner, Mr. Drew, to the employers there and he took general charge of their forces and won the fight.³¹

War Upon the Dynamiters.— In the long and bitter contest between the Association and the International Association of Bridge and Structural Iron Workers — the union — Mr. Drew organized a guard service to prevent the union from dynamiting the iron and steel structures, and the work of erection was carried on like a fort in a siege in war.³² Efforts were not spared to secure evidence against the union officers long suspected by Mr. Drew, and the events at Los Angeles and Indianapolis where these officers were con-

victed, were merely sequels to his campaign in this field.³³ But his campaign did not end with the Indianapolis trial. After that trial, the Association employed Robert J. Foster, a detective, to investigate fully the cases of dynamiting of the property of its members in the East, since the trial did not bring out this matter fully. As a result, a confession by George Davis that he had performed 12 jobs of dynamiting, was secured.³⁴ That campaign at first, like many of the activities of associations, was conducted with great secrecy, so much so that even circular letters to members were suspended during the period before the McNamaras confessed.³⁵ These secret methods were necessary to the success of the campaign, but they are also further proof of the belligerent and class-conscious character of the Association. Additional proof of this class consciousness is to be found in the activities of Mr. Drew in compiling evidence for various associations to present before the Commission on Industrial Relations,³⁶ — he was selected as their representative because of both his attitude and ability.

Fought Unionism During the War.—The N. E. A. fought bitterly the unionization of industries in war time.³⁷ It pointed out the dangers of unionizing industry as a war measure.³⁸ It contended that the war-time pledge of organized labor did not mean anything³⁹ and called attention to the demands made by Mr. Gompers for his co-operation in winning the war.⁴⁰ It exposed the unpatriotic remarks of James O'Connell, President of the Metal Trades Department of the American Federation of Labor.⁴¹ It protested strongly to the National War Labor Board that the ruling recognizing "the right of workers to organize" was being construed by the unions as a permit to carry on aggressive and systematic campaigns to unionize the structural shops and other industries of the country.⁴² It suggested to other employers' associations that they adopt similar resolutions protesting against such an interpretation being allowed to

stand. It also urged the associations to keep in close touch with the U. S. Employment Service as it developed, to co-operate and prevent the Service from being used for unionization purposes. It recommended that the employer "set his house in order," and pay increased wages to correspond to the increased cost of living and so remove conditions that would in part justify union agitation. It has suggested that bulletins be sent to employees regularly, so that the workmen would not be misled through false rumors and misrepresentation.⁴³ It refused during the war, as it has at all other times, to enter into negotiations with the International Association of Bridge and Structural Iron Workers, when this union sent a letter of request for a conference.⁴⁴

Opposition to Closed-Shop Unrelaxed.— Since the war, it has not relaxed its opposition to the "closed shop." It has attacked the closed shop clauses in labor contracts and has appealed to the architect not to make concessions and compromises with the closed-shop unions in order to avoid labor troubles. It has pointed out that such contracts form an unlawful conspiracy, that they increase labor troubles through jurisdictional disputes, that they add to the cost of building, that the tendencies are away from the closed shop, and that closed-shop clauses remove all checks upon closed-shop unionism, and so leave the owner unprotected. The Association has called attention to the loss in the closed-shop city of San Francisco of two-thirds of her manufacturing strength in a six year period, and has contrasted this loss with the gains made by such open-shop cities as Los Angeles and Detroit.⁴⁵ It has issued a warning of the danger of the closed shop to the development of foreign trade.⁴⁶ The National Erectors' Association aided the Iron League of New York to defeat the efforts of the Building Trades Council and the Building Trades Employers' Association of New York to unionize completely the erection of structural iron work in the City of New York. It has likewise aided

the Iron Leagues of Philadelphia and Chicago to maintain the open shop.⁴⁷

To the employers and others frightened by the specter of Bolshevism, the Association has pointed out that Bolshevism and the I. W. W. are being held up as bogies from which the acceptance of closed-shop unionism is alleged to be the only escape; that "it was organized labor that attempted to overturn the city government of Seattle and establish Soviet rule. It was organized labor that threatened a national and international sympathetic strike of the building industry in support of the carpenters' violation of their trade agreement, and it is organized labor that today is tying up the port of New York in a general strike in violation of the decision of the War Labor Board, a government body. Not even the Bolsheviki or the I. W. W. furnish much stronger examples of anti-social action."⁴⁸

Legislative and Governmental Activities.— In the field of legislation, the Association favors compulsory arbitration of labor disputes affecting public utilities, at least for making strikes illegal when such utilities are involved. The Association has urged that careful scrutiny be made of the proposal to exclude immigrants from this country for a period of five years. It has opposed appropriations for the U. S. Employment Service on the grounds that the Service was inefficient and unfair, but advocated the establishment of "an efficient and non-partisan" Service.⁴⁹ It also seeks legislation or court decisions to make the unions financially responsible for the acts of their agents and officers. It argues for such legislation or decisions on the grounds that generally the union is not responsible under the law, so that damage suits for wrongs done to others, or injunction suits to prevent the doing of a threatened unlawful injury, may not be brought against the union but only the individual members. The union is generally immune, and its funds accord-

ingly may not be levied upon for damages to a person whom it may unlawfully injure.⁵⁰

It has protested to the National War Labor Board against representatives of that Board being advertised to address union organization meetings.⁵¹ It protested to the U. S. Railroad Labor Board against national boards of adjustment, national agreements, and standardization of working conditions on the railroads. It contends that such conditions would deprive the "railroad officials of reasonable and necessary powers of discipline and control."⁵² It also urged the Railway Executives' Committee not to yield on these points.⁵² It has thus endeavored to prevent governmental agencies from lending their support to closed-shop unionism.

The Association has driven an iron wedge into the closed-shop system of the building industry, and is endeavoring to split wide open the entire closed-shop system of unionism.⁵³

Other Associations in the Iron and Steel Industry.—

We shall turn next to a study of the associations in the building industry, in order better to understand how they operate under the closed-shop system. But before doing so, let us first glance over the field of associations in the iron and steel industry.

There are in the various specialized iron and steel industries, a number of associations other than those discussed. The limit of space in this book would forbid an extended discussion of all of them, were it otherwise desirable. Roughly, these other associations may be likened to one of the four organizations previously described, or to others yet to be discussed. Let us take a few instances. The United Metal Trades Association of the Pacific Coast closely resembles the National Founders' Association in policy and activities, although it includes in its classification machinists as

well as molders.⁵⁴ The California Metal Trades Association, until recently, was similar to the Stove Founders' National Defense Association in policy and activities, but as it is now belligerent, it resembles more closely the National Founders' Association.⁵⁵ The Metal Manufacturers' Association of Philadelphia is like a branch of the National Metal Trades Association in all respects except that its membership is open to a wider range of concerns.⁵⁶ A few associations in this group limit their activities in the labor field to setting forth the employers' viewpoint. These may also properly be classed in the group of propaganda associations and be likened to the National Association of Manufacturers.

Comparison of Associations.—A comparison of these associations in the iron and steel industry brings out some interesting and instructive points. The National Metal Trades Association, the National Founders' Association and the National Erectors' Association are all belligerent. Two of them are in competitive industries, one in a monopolized industry, but all have to fight unions intrenched elsewhere in closed shops. All have a system of combating strikes and an extended secret service. All are opposed to labor legislation and all conduct a propaganda to discredit closed-shop unionism.

On the other hand, there are many points of contrast among the four associations. The National Metal Trades Association and the National Founders' Association have a large number of members while the National Erectors' Association and the Stove Founders' National Defense Association have relatively a small number. However, all are powerful organizations in their respective fields. In contrast with the others, the National Erectors' Association has a rather informal organization. Unlike the others, the National Metal Trades Association is distinctive in its method of operating to a great extent through its branches. Its branch system is sometimes a source of weakness. Although all have district organizations, the functions performed by

the district committees, for instance, vary considerably among the associations. On account of the peculiar conditions of the special industry, each association has adopted a method of combating strikes differing distinctly from that employed by the others. The National Metal Trades Association combats certain strikes through its branches almost exclusively. The National Erectors' Association has never used an injunction in strikes. The Stove Founders' National Defense Association has no regular corps of strike breakers. The skill required of the workmen, whether little or much, is a large factor in the method of strike breaking used by the associations. The less skilled workman may be easily replaced, but he is usually more violent than the skilled workman. The structural iron worker is the least skilled and the most violent, while the machinist is the most highly skilled and the least violent.

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²⁰ Open 10. ²¹ Ind Rel 10763. ²² Je '08 *The Square Deal* 37-43, (Abv. Sq D); Trade Unionism, a Constructive Criticism, (Abv. Trade). ²³ '12 S I H 201ff. ²⁴ Closed Shop *vs* the Building Industry; '12 S I H 218-219, 250. ²⁵ Jl 13 Am Ind 10. ²⁶ O(13)'17 *Danbury News*; D '17 *Review* (N F A) 492, (Abv. Rev); see also Synopsis of Proceedings, Twenty-Second Annual Convention, National Metal Trades Association, i 49-52. ²⁷ F(5)'15 Letter; Situation; My '20 *Open Shop Review* 180, (Abv. O S Rev). ²⁸ Ind Rel 10757. ²⁹ Publications, National Industrial Conference Board; Membership List, National Council for Industrial Defense. ³⁰ Booklets themselves; D '08 Sq D 1. ³¹ Open 18; O '08 Sq D 82-83; O(1)'07 Am Ind 5-6; Ind Rel 10731; see also F(15)'16 Letter. ³² '12 S I H 201ff, 211; Ap '14 Rev 159; '11 N A M 157. ³³ Ja(2)'13 *Iron Age* 107-108; Sq D 8: 530-531. ³⁴ Ja '14 *Industrial Reporter* 6. ³⁵ O '12 Sq D 242. ³⁶ O '14 *Bulletin*, National Metal Trades Association, 8; D '14 Rev 584; Ind Rel 10757. ³⁷ O (24)'17 Letter. ³⁸ Unionizing Industry as a War Measure. ³⁹ The War Time Pledge of Organized Labor. ⁴⁰ The Policy of Organized Labor in the War. ⁴¹ Duty of Organized Labor in War Time. ⁴² Structural; also N '18 O S Rev 434-435. ⁴³ Au(7)'18 Letter. ⁴⁴ N '17 Rev 454-457. ⁴⁵ A Letter to the Architect about Closed Shop Clauses in Building Contracts. ⁴⁶ Our Lesson from England's Experience. ⁴⁷ My(28)'20 Letter. ⁴⁸ Mr(15)'19 Letter; Ap '19 O S Rev 145. ⁴⁹ Mr (15)'19 Letter. ⁵⁰ Trade; N '19 O S Rev 460-461. ⁵¹ Mr(15)'19 Letter. ⁵² S(3)'20 Letter. ⁵³ Open 22. ⁵⁴ F '09 Rev 20; Jl '07 Rev 19-20; Je '09 Rev 36-38. ⁵⁵ Je '09 Rev 39-42; Mr '11 Rev 5-8; Mr '20 Am Ind 26-27. ⁵⁶ Constitution and By-Laws, Metal Manufacturers' Association of Philadelphia; Metal Manufacturers' Association of Philadelphia, What It Is; O(29)'20 Letter, M. M. A. P.

PART II
ASSOCIATIONS IN THE BUILDING INDUSTRY



CHAPTER VI

THE BUILDING TRADES EMPLOYERS' ASSOCIATION OF THE CITY OF NEW YORK

TRADE agreements are more common in the building industry than perhaps in any other. Building associations are predominantly local, and the agreements are usually made between a trade union and a trade association affiliated with a federated association of a city. For the purpose of studying such associations, we have chosen the Building Trades Employers' Association of the City of New York with its affiliated organizations, and the Building Construction Employers' Association of Chicago with its federated bodies.

Membership.—The Building Trades Employers' Association of the City of New York has, in Greater New York and Hudson County, N. J., a total of over 950 members. Of these, two are honorary members, and the remainder are business concerns, of which nearly 10 per cent are associate members, nearly two per cent individual members, and nearly 89 per cent represented members.¹ Honorary members are the commissioners or superintendents of the departments of the City of New York connected with the building industry, while they hold such office. Associate members are those persons, firms and corporations engaged directly or indirectly in the building industry in the City of New York and vicinity, not eligible to represented or individual membership. Individual members are concerns which belong to the Association directly and are not members of a trade association affiliated with the Association. Represented members are concerns which are connected with the 32 trade associations

affiliated with the Association. The real membership is confined to the individual and represented members, who alone have the right to vote on officers and measures before the Association for consideration.² "Any person, firm or corporation who or which employs labor in the building industry, or who has his, or which has its individual capital invested in such business, or in any business affiliated therewith, or any person who, on the date of the formation of this Association was in good standing in the Building Trades Association of the City of New York, shall be eligible to membership."³

The Objects of this Association are:

to foster the interests of those engaged in the erection and construction of buildings and other structures, to reform abuses relating to the business of persons so engaged, to secure freedom from unjust and unlawful exactions, to obtain and diffuse accurate and reliable information as to all matters affecting such persons, to procure uniformity, harmony and certainty in the relations existing between employers, employees, mechanics and laborers, and in all lawful ways to promote and protect the business interests of the members of this Association, but there is no intention nor shall there be any action on the part of this Association to control or in any way deal with prices or restrict competition."⁴

The Government of the Association is carried on by a Board of Governors, which is composed of representatives from the affiliated associations. Each affiliated association with 15 or more members has three representatives on the Board; other associations, with fewer than 15 members, may have fewer representatives, usually one each for every five members.⁵ The vote cast by any representation of a trade association is one for every five members in the association. The Board of Governors has entire jurisdiction over the affairs of the Association.⁶ It has control of all standing committees,⁷ which are the Executive Committee, the House

Committee, the Finance Committee and the Membership Committee; and of other committees such as the Industrial Improvement Committee, the Grievance Committee, the Committee on City Departments, the Resolution Committee, the Legislative Committee, the Bond Committee, the Fines Committee, and the Committee on Trade Agreements. The Chairman of the Board of Governors selects seven of the members of the Board to sit with him and the elective officers of the Association as an Executive Committee.⁸ The Board also elects the members of the Finance Committee and the House Committee; and, as the Membership Committee is composed of the Executive, the House, and the Finance Committees, the determination of that committee rests with the Board. The Board has power to decide all controversies, difficulties and differences arising between the members of the Association and their employees; to determine and regulate the conduct of the members of the Association relative to such controversies, difficulties and disputes; to decide all disputes and disagreements arising between the affiliated trade associations and the organizations of employees; to decide all controversies, difficulties and differences arising between the various affiliated trade associations and to regulate and control their conduct with regard to such disputes. In fact, the Board has the general power to regulate any and all matters affecting the building industry in so far as the business interests of the members of the Association are concerned. The Board may delegate to committees any or all of its powers but that of the imposition of penalties.⁹ Finally, the Constitution provides that: "The decisions, orders, prohibitions and regulations of the Board of Governors shall be final and obligatory upon each and every member of this Association, and shall be complied with, obeyed and observed in good faith by every such member."¹⁰ "In order to insure the compliance with and obedience to the decisions, orders, prohibitions and regulations of the Board of Gov-

ernors, all represented and individual members shall give bonds to this Association. The form and amount of such bonds shall be determined by and satisfactory to the Board of Governors.”¹¹ Such a bond enables the Board to levy and collect fines more easily than were the member not bonded or bound in some other manner, since it subjects the offending member to heavy loss by expulsion and forfeiture of his bond.

The Board has issued a number of prohibitions, orders, decisions, recommendations, etc., among which are in substance the following: The Board forbids any member to contribute any money to labor organizations, to pay for space in their publications, to “exhibit or contribute towards any float or exhibit of any kind for the Labor Day parade,” or to pay any money to any labor representative to influence his acts — that is, commit bribery or submit to extortion.¹² The Board has ordered members not to pay wages for waiting time, or any time for which they have received no service. It has prohibited any individual or represented member from making a verbal or written agreement with any labor union or its members to work for him on any other terms than those embodied in the trade agreement in that trade between the trade association and the union.¹³ It has ruled that the “Association will deal with unions in the building trades only so long as labor disputes are adjusted by conference or arbitration, and will not tolerate strikes of any kind against members of this Association¹⁴,” that the “Association stands for the principle of arbitration¹⁴,” and that every member having a strike called on him must notify his trade association and the Emergency Committee of the fact at once.¹⁴ It also requires that individual members must observe the orders of the Board relating to the trade associations in the trades where such members operate.¹⁵ It has held that its decisions on trade jurisdictions shall be maintained until reviewed by a duly authorized arbitration

board of employers and employees.¹⁶ It has decided that it will not take up disputes between the unions and non-Association sub-contractors where the Association member involved could have sublet the contract to another Association member.¹⁷ It has ordered that members regard communications from the Association officers to the members as strictly confidential, intended for their use only, and not to be shown to labor leaders.¹⁸ The Board has strongly recommended that all contracts provide that any and all labor employed under the contract shall be only that recognized by the Association.¹⁹ It has given the Finance Committee power to cite a member to show that his rating for payment of reserve-fund dues is correct, and if not to report the case to the Board itself for action, but, in 1920, this procedure was supplanted by an audit under the supervision of the Finance Committee or by a certificate of a certified public accountant who had audited the books of the member.²⁰

After a formal complaint has been made and an opportunity for defense has been given, the Board has power, for any cause which it may deem sufficient, to suspend, fine or expel members of the Association.²¹ Through this Constitutional provision, the Board can enforce its orders, prohibitions, and decisions.

The elective officers of the Association are a President, a First and a Second Vice-President, a Treasurer, and a Chairman of the Board of Governors. The Secretary is appointed by and is under the control of the Board of Governors, and is a salaried officer. These officers perform the usual duties of such offices. However, the President is ex-officio member of all committees; the First Vice-President is a member of the House Committee; the Second Vice-President of the Finance Committee; and all the elective officers are ex-officio members of the Board of Governors.²²

Subject to the approval of the Board of Governors, the Finance Committee has direct charge of the finances of the

Association. This Committee must submit annually to the Board of Governors for approval a budget for both the general-fund and reserve-fund expenditures for the ensuing year. No expenditures from the general fund in excess of that provided for in the budget may be made without the approval of the Board of Governors. The reserve-fund expenditures are under the sole jurisdiction of this Board. The reserve fund is made up of the money collected as reserve-fund dues, while the general fund is derived from all other dues and other amounts received. The general fund is used to pay general operating expenses as contrasted with the reserve fund, which is reserved for unusual or emergency expenses.²³

Dues.— The Association derives its revenue from initiation fees, annual dues, fines, sales and from reserve-fund assessments.²⁴ The initiation fees are as follows: a represented or associate member pays \$25, and an individual member, \$50, and in addition the initiation fee required for membership in the trade association, if any such organization exists in his line of business. The annual dues of a represented or individual member are \$30, and of an associate member, \$40.²⁵ In addition to the annual dues, represented and individual members are required to pay reserve-fund dues on the basis of the amount of business that the member transacted during the previous year. For the purpose of assessment, classes A to FF have been made, and limits are set for each class. For illustration, class A comprises those who transacted for the previous year less than \$15,000 of business, and the rate is levied on this amount. Class B consists of those whose yearly business was between \$15,000 and \$25,000 and the amount levied on is \$20,000, or the average of the limits; and so on up to class FF, which includes those who transacted business in excess of \$10,000,000, and on this amount the assessment is levied. The annual reserve-fund assessment is fixed at one-tenth of one

per cent of the amount for each class as stated above; except that when the amount in the reserve fund exceeds the sum of \$300,000, the Board of Governors must suspend or reduce the assessment. The limits between which the reserve fund is to be maintained are \$250,000 as a minimum and \$300,000 as a maximum.²⁶ In 1920 the minimum reserve fund dues were increased 50 per cent and the annual reserve fund dues were increased from one-twentieth to one-tenth, or 100 per cent.²⁷

The Constitution provides that all trade associations represented on the Board of Governors must comply with all the requirements of the Constitution and By-Laws.²⁸

One of these requirements relates directly to the relations between the trade unions and the trade associations. The Constitution requires that all proposed agreements between the trade associations affiliated with the Association, on one hand, and the trade unions on the other, or between any member of the Association and any trade union or unions, must be submitted to the Board of Governors and approved by it before being placed in execution.²⁸ Moreover, "Individual members are bound by the agreements and conditions which govern the trade association in the trade or trades in which they are engaged."²⁹ As we have seen, represented or individual members are not permitted to make individual contracts that do not conform to those approved.³⁰ So the Association is thus responsible for any and all such agreements, some of which have been severely condemned by belligerent associations, such as the National Erectors' Association, on the ground that such agreements formed combinations in restraint of trade.³¹

A provision of the Constitution that has also been condemned relates to the sub-contracting of one member with another — a provision that is understood by the Association to mean more than a patronage list. The provision reads: "To promote and maintain harmony between the different

trades it is recommended that the members of the Association shall place all orders for work requiring labor at the building in any trade represented on the Board of Governors with members of this Association.”³² The Constitution also provides for a reduction of reserve-fund dues of a member who sublets work to represented or individual members, to the amount of the assessment of the sum in the sub-contract, if the residue is above the minimum requirement.³³ A member who sublets contracts to others than such members is not protected in case a labor dispute arises on the work.³⁴ So it is apparent that *recommended* in this provision has virtually the force of *commanded*,³⁵ for the Board has decided that, “It is essential for the best interest of the Building Trades Employers’ Association that this clause be lived up to by the members more strictly even than the clause requires.”³⁶

Evolution.—The Association was organized in 1903, and was the successor of the Building Trades Association of the City of New York, which had existed rather precariously for some ten or fifteen years, and seems to have borne several names during that period.³⁷ From 1898 to 1903, the building-trades employers had even more trouble with labor organizations than ever before. For when Sam Parks came to New York City in 1898—in the words of a former President of the Association—“the conditions became unbearable in our industry; and in 1903 we had reached such a crucial condition that we were compelled to do something for our salvation.”³⁸ Sam Parks was the leader of the business agents of labor organizations in the building trades, and levied and enforced so heavy a tribute upon the contractors that they rebelled.³⁹ Mr. Lewis Harding thus described the situation prior to the formation of the Association, a situation resulting from the domination by that body of business agents: “They met there and many of them never had the authority of their organization to be there at

all; but they held their organization to account and were able to pull them [the workmen] out on strikes for any whim or any order that the central body of business agents dictated to any particular branch of mechanics in the building trade. They were ready to obey their call. We had got to the point where we saw that we must organize to combat that principle or our industry would be ruined. Just prior to the organization of the Building Trades Employers' Association, the building industry for eleven weeks was practically at a standstill in New York City and many very large buildings were held over and not completed until this fall [1904] that should have been ready for tenants the first of May, for the reason that two unions in one trade, one a very old one and another a powerful one that had been organized within the last few years, got to scrapping among themselves." ⁴⁰ The thirty-odd trade associations in the building trades came together and formed the Association, and a war between it and the unions began. It was the perfecting of an old organization rather than the formation of a new one, a higher type of combination made necessary by the widening of the conflict.

The Association began the fight aggressively. It declared a general lockout in all the building trades. The various trade associations affiliated with the Association broke all their contracts with the unions.⁴¹ The investors in real estate co-operated with the Association, and allowed the buildings to remain unfinished without penalty to the building employers for failure to finish on contract time.⁴² The newspapers were enlisted in the cause through a committee from the Association. This committee called upon the editors first to ascertain whether public sentiment would sustain the Association in the lockout, and second whether the newspapers would publish the statements sent in by the Association if the employers would guarantee every statement to be true. Statements were sent in and published

from day to day as the situation changed, and public sentiment became favorable to the employers. Even the rank and file of the labor unions in a few weeks were so strongly affected by this publicity feature of the Association that dissension sprang up between them and their leaders.⁴³ A number of the leaders were prosecuted for grafting. Sam Parks, the main leader, and a number of other leaders were convicted and sent to prison.⁴⁴ Meanwhile, violence was going on. The Association engaged between 100 and 150 detectives to find out and report on the plans of the unions in this field. According to Mr. Eidlitz, a prominent member and officer of the Association, it forestalled by this method violent acts in "some 235 distinct cases where plans had been prepared and plans made to injure certain men in certain trades."⁴⁵ As the fight went on more detectives were employed and these were set to work to run down every clew to threatened injury, and to have the police brought in at the critical moment. A few of the unions joined in a conference offered by the Association and came to terms with the employers on a plan of conciliation, but many of the unions refused to deal with the Association.⁴⁶ However, as the fight progressed, the members of the unions weakened in their loyalty to their leaders, partly because the fight was long drawn out, partly because the daily statements of the Association in the newspapers caused the members of the unions to believe that their leaders had misled them. Under these conditions, the Association called off its lockouts and notified the unions that if they did not call off their strikes, men would be employed individually to take the places of such of their members as did not return to work. Operations began and men were employed individually in cases where the union did not call off its strike, or where a rival union was not formed by the Association of the insurgents from the old union.⁴⁷ A General Arbitration Board was organized to settle all disputes in the future.⁴⁸ In the course

of time, practically all the unions came in under the plan for arbitration, although the Housesmith's Union soon repudiated the plan, and it was the greatest trouble maker.⁴⁸

The General Arbitration Board of the New York Building Trades handled practically all of the disputes arising in the building trades from 1904 to 1910. The agreement providing for this Board was broken off in 1910, but the unions and the trade associations in the building trades abided by many of the decisions and worked under a few of the provisions of that agreement.⁴⁹ A new agreement was formed and took effect on January 1, 1920.⁵⁰ The greater number of the decisions under the old plan were rendered by an Executive Committee of the General Arbitration Board, and according to the published DECISIONS, a considerable portion of the disputes adjudged involved the matter of jurisdiction of trades between the unions. In some cases an umpire was called in, but generally the use of an umpire was disliked by both sides. But in those cases only, in the strict sense of the word, was there *arbitration*, since otherwise the so-called arbitration provided for the settling of disputes between the unions and the associations by the unions and associations, a scheme best designated as conciliation. Under this plan, unions were prohibited from calling strikes against any member of the Association, and the members of the Association from ordering any lockout. The employers agreed to employ union men exclusively, either directly or indirectly through sub-contractors, except where the union was not represented on the General Arbitration Board.⁵¹

The plan involved several bodies.⁵² The General Arbitration Board was made up of two representatives from each of the trade associations affiliated with the Association, and two representatives from each of the unions that were parties to the plan — a total of about 120 members or representatives. An Executive Committee of twelve was formed from the members of the General Board. The union mem-

bers of the General Board selected six of their number and the employers likewise selected six of their members, and these twelve constituted the Executive Committee. The Executive Committee decided the disputes subject to appeal to the General Board by either party to the dispute. Special Arbitration Boards consisting of four or more members chosen from the General Board were provided for to deal with cases referred to them by either the General Board or the Executive Committee of that Board. A trade board was organized wherever a trade agreement existed between a union and an association in one of the various trades, and its decisions were final and binding in all disputes. If a trade board failed to reach a decision, an umpire might be called in, but if no umpire could be agreed upon, or either side failed to abide by the decision when such was reached, then the matter was referred to the General Board for action. The Executive Committee also could refer to an umpire a matter on which it could reach no decision.⁵³ One noteworthy provision of this Joint Arbitration Plan was that, "No lawyer is to act as an arbitrator, counsel or advisor at any proceedings held under this Plan."⁵⁴ Nor could a party to the dispute act as an arbitrator.⁵⁵ The arbitrators, usually four in number, were generally chosen outside of the trade involved.⁵⁶ So far as there was a regular order for the adjustment of disputes, it seems that matters not settled by the Executive Committee were referred to the General Board and then to a Special Arbitration Board with four members, which called in an umpire when it could not reach a decision.⁵⁷

Break-Down of the Plan.— In 1910, the agreement providing for the Arbitration Plan expired by time limit, and was not renewed.⁵⁸ The Plan broke down nominally because of a strike of the steamfitters' union contrary to the agreement.⁵⁹ The case was examined by the Executive Committee of the Board, and referred to the Board. The

Board ordered the steamfitters back to work, but they refused to go. In such a case, the employers were supposed to be free to employ whomsoever they pleased, and the other unions were not to obstruct the work. In this specific case, however, the unions would not pass a resolution to this effect, and the Plan broke down. But the cause of the breakdown seems to have been deeper. Mr. Morris, a member of the Master Steamfitters' Association, and Chairman of the Arbitration Board in 1910, says that the Plan broke down because the employers believed that the union members of the Board caucused during the night before the Board meeting and so prejudged many questions. Moreover, there were many delays under the Plan; the hearings were long with voluminous records.⁶⁰

"On October 31, 1910, at the time when the Unions were balking at expelling the steamfitters from the Arbitration Board for violating the agreement and going on strike," says the B. T. E. A., the Board of Governors adopted the following resolution, which "has been the basis for all our negotiations and agreements with the unions made since the date of its passage:"⁶¹

"Resolved, By the Board of Governors, that hereafter the Building Trades Employers' Association will deal with Unions in the building trades only so long as labor disputes are adjusted by conference or arbitration, and will not tolerate strikes of any kind against members of this Association.

"Resolved, That every member of the Building Trades Employers' Association is directed to notify his trade association and the Emergency Committee when a strike occurs on his work."⁶²

While the General Board was out of existence, the trade boards still functioned, and an Executive Committee of building-trades employers exclusively, dealt with disputes. This Committee met and decided what it would do in case of a particular dispute, and if conciliation or arbitration did

not succeed, the employer fought.⁶³ The Committee met with representatives of the labor unions — a board of business agents — and attempted to adjust grievances, provided the union agents came to it first without calling a strike.⁶⁴ If the matter could not be settled directly with the business agents, it was referred to arbitration.⁶⁵ During the period from 1910 to 1919, there were only the agreements of the trade associations with the unions, but these provided for trade conference boards and arbitration. No agreement, however, existed between the Housesmiths' Union and the Association or any of its affiliated trade associations during the period 1905 to 1919.⁶⁶

Restoration of the Plan.— In the latter part of 1919 the unions in the building trades of New York City were able to force a return to a general arbitration board. By an Agreement to take effect January 1, 1920, a permanent Board of Arbitration was established. This Board is made up of five members of the Executive Committee of the B. T. E. A. and five from the Building Trades Council. The Agreement fixes the hours of the working week, the rate of wages, and prohibits the ordering of strikes and lockouts by the affiliated bodies of the Association and Council. Disputes arising on these points under the Agreement must be referred to the Board for decision. The decisions of the Board have been made final and binding upon all the affiliated bodies and their members. In case the Board cannot reach a decision after it has met for three consecutive daily meetings, it is required to select an umpire to hear the arguments on each side. The decision of this umpire is final and binding. The Housesmiths' Union was admitted into the group of unions that negotiated the Agreement,⁶⁷ but this action resulted in the loss of the Iron League Erectors' Association (the corresponding trade association) from the B. T. E. A.⁶⁸

The New Agreement.—The main provisions of this Agreement, outside of a schedule of wages, are:

“In order to secure continuity of employment and uninterrupted production, it is hereby agreed between the Building Trades Employers' Association of the City of New York and the Building Trades Council of the City of New York . . . that

“(1) The working week shall consist of forty-four (44) hours.

“(2) The rates of wages from January 1st, 1920, to December 31st, 1921, inclusive, shall be as follows: [schedule omitted; it ranged from \$4.50 for electrical workers' helpers to \$9.25 for upholsterers, per eight-hour day, and the whole was advanced \$1.00 per day on May 1, 1920].

“Provided, should the cost of living materially change, upon five months' notice from the Building Trades Council or the Building Trades Employers' Association given prior to January 1, 1921, the wage schedule for the calendar year 1921 shall be reopened and readjusted by the representatives of the parties hereto.

“(3) The existing trade agreements between the several trade associations, members of the Building Trades Employers' Association and the Unions of their respective trades shall be continued upon their present terms and conditions until the expiration of this agreement, unless changed by the mutual consent of the parties thereto; except, that the working week and the wage schedule herein agreed upon shall not be changed, except as herein provided for. [Note that it was changed contrary to these provisions. See Circular Letter No. 260.]

“(4) Regular or consecutive overtime shall not be worked unless permission to do so shall have been given by a Joint Committee, consisting of the Chairman of the Board of Governors of the Building Trades Employers' Association and the Chairman of the Building Trades Council; provided, that this shall not apply to occasional overtime made necessary by the exigencies of the work.

“(5) The unions as a whole or as a single union shall not

order any strike against a member of the Building Trades Employers' Association, neither shall any number of Union men leave the work of a member of the Building Trades Employers' Association, nor shall any member of the Building Trades Employers' Association lock out his employees; and, should any Union or the members of any Union violate this agreement and the violation is not discontinued within one week from the time notice of said violation is sent to the Building Trades Council, it shall not be considered a violation of this agreement or of any trade agreement if the Building Trades Employers' Association or any member or members thereof proceed to man the work with such men as can be secured, or, in case of such violation, if the Building Trades Employers' Association lock out the members of the defaulting Union or declares a general cessation of work. It is further agreed that if workmen not members of the Unions parties hereto are alleged to be employed on any job whereon any member or members of the Building Trades Employers' Association are doing work, it shall be brought immediately to the attention of the Board of Arbitration hereinafter provided for, and if the facts are found by said Board to be as alleged, it shall not be deemed a violation of this agreement, or of any trade agreement, for any member of the Unions above mentioned to refuse to work on the job in question, unless such workmen are justifiably employed in the case above provided for, that is, where a union or a number of members of a union have first violated this agreement.

“(6) A permanent Board of Arbitration shall be established, said Board to consist of five members of the Executive Committee of the Board of Governors of the Building Trades Employers' Association and five members of the Executive Committee of the Building Trades Council, to whom shall be referred all disputes that may arise relative to alleged violations of this agreement or the intent and meaning of any part thereof. The decision of said Board of Arbitration upon any matter submitted to it shall be final and binding upon all parties hereto; and, should said Board of Arbitration fail to agree after three consecutive daily meetings, said Board of Arbitra-

tion shall select an umpire, and each side shall make its arguments before the umpire, and his decision shall be final and binding upon all the parties hereto.

"(7) This agreement shall apply upon all work performed within the geographical limits of Greater New York and Long Island and in such additional territory as is included in the provisions of the existing trade agreements between the several trade associations of employers and the unions of their trades.

"(8) The Unions parties to this agreement agree to furnish at all times sufficient men to man the work of the members of the Building Trades Employers' Association."⁶⁹

It should be noted that the employers agreed to employ union men exclusively so long as the unions conformed to the agreement, and that the unions agreed to furnish at all times sufficient men to man the work of the members of the Association, a provision that requires the union frequently to call men off of a job for an independent concern. It was the provision relating to the exclusive employment of union men that precipitated a conflict between the B. T. E. A. and the Iron League Erectors' Association, and resulted in the latter's severance of affiliations with the B. T. E. A.⁷⁰

It has been said that the iron industry—the House-smiths' Union with its bad practices—prevented a return to the Arbitration Plan,⁷¹ but the Plan was operated previously without the Housesmiths' Union. The Plan was hardly an unqualified success before⁷² nor does it promise much more satisfactory results now. The associations did not desire to return to it, but were practically forced to do so because of the strategic position held by the unions during the shortage of labor.

Success or Failure of Negotiations.—Negotiations in the building trades of New York City have not proven to be any more successful than in the stove industry. Association leaders in the building trades say they expect always to have trouble.⁷³ Labor difficulties compelled the Asso-

ciation to declare general lockouts in 1903 and 1910.⁷⁴ Grafting business agents for years have troubled members of the association.⁷⁵ Although the closed shop is quite generally established in this industry,⁷⁶ union men have had to work with nonunion housesmiths or structural iron workers,⁷⁷ in spite of strikes to force complete unionization. The Iron League has maintained the open shop since 1906,⁷⁸ in opposition to the housesmiths' and the structural iron workers' unions. But the woodworking trades have forced the employer to employ union men only,⁷⁹ and the Master Carpenters' Association has agreed not to use nonunion or prison-made material, while the union in turn has agreed not to work on such material for non-association employers.⁸⁰ Since most of the materials of wood which go into buildings are not generally made in union factories, the carpenters working on the buildings have seen that they would have to meet the competition of the union woodworkers who would be thrown out of employment in the factories if nonunion trim was used and so the carpenters have demanded union-made trim.⁸¹ Although the trade associations have generally agreed to employ union men exclusively, the trade unions have not always agreed to work exclusively for association members.⁸² An explanation of this is that the unions have the workmen more nearly completely organized than the associations have the employers. Outside of the housesmiths and painters, the workmen of New York City are probably 90 per cent organized,⁸³ while the Association does not have one-third of all the employers in the building trades of the City, and in some trades its members employ less than 50 per cent of the laborers employed.⁸⁴ In some trades, however, from 60 to 95 per cent of the employers belong to the Association.⁸⁵ The Association does not control the building industry in the City, but it does control the labor situation from the employers' side, because of the support the outsiders usually give it.⁸⁶ But

the labor conditions in New York City are determined by the associations and unions, and outsiders are supposed to live up to these conditions.⁸⁷ Non-Association contractors in the stone and marble trades have not been permitted to come into the City. In other trades, outside contractors have been allowed to operate, as the union in the particular trade has usually forced them to live up to the conditions already established there.⁸⁸

Interpretations.—The Association's policy of negotiation — that is, of making trade agreements with the unions, often exclusive on both sides in practice ⁸⁹ — has been variously interpreted. A prominent leader of the Association, Mr. Eidlitz, says, "The question of collective bargaining is a question of making arrangement with skilful men in a given industry. I am talking now with reference to the building industry. We have to build quickly. We have to be in a position to gather at a moment's notice skilful men, and that is not possible unless you have organizations of skilful men with whom you are in agreement, and whom you know you can call upon to supply the labor needed."⁹⁰ Again, on the part of its leaders, it is said that "these men recognized that the open shop here meant continual strife as the only means by which it could be maintained; and recognizing that the investor would not permit a continuance of strife because of the loss of interest on the enormous investments of capital; but recognizing above all that the men who labor have nothing to sell but their labor, and that they are entitled to fair and just treatment, we agreed to recognize the unions, but insisted that there must be some arrangement between the unions and their employers by which all questions could be settled permanently upon a fair and just basis."⁹¹ Another interpretation, although by an outsider, agrees with the above interpretation on one point, namely, the influence of the investor: "It is, briefly, because building, as far as the owners of the buildings are concerned,

is not, in most instances, a business in which they expect to be engaged all their lives. A man may in his life build one house, or a single group of men will build a great factory, office building or hotel. They are not interested in the principle of freedom of contract and its maintenance, so much as they are in finishing that building, because when it is done they expect never again to be bothered with building another.”⁹² A third view of the matter is that, “the combination of employers prefers to deal with a combination of workmen, and so far as possible maintain a monopoly in building. There seems to be as much disposition among employers to exclude from the building business contractors who do not belong to their association as there is among workmen to exclude from the building trades artisans who do not belong to their unions, and the object can be best accomplished by a bargain with the unions for exclusive employment.”⁹³ * Leaders of the Association have conceded that the unions in the New York building trades have a mo-

* The above was written prior to the Lockwood investigation. Men closely connected with the building industry have stated that combinations for monopoly and graft are general in the building trades of all the larger cities of the United States.

In regard to the Lockwood investigation and “The Great Building Conspiracy” in New York City, *The Nation* [D(29)’20, pp. 770-1] says, among other things, that, “Documentary and other evidence shows that this systematic robbery was made possible by secret agreements entered into between the Building Trades Employers’ Association and Robert P. Brindell, president of the Building Trades Council; a code of practice plan, . . . and a ‘quotation card’ system, devised by the wholesale dealers in building commodities. December 17, 1919, the Building Trades Employers’ Association entered into an agreement with Brindell’s Building Trades Council, whereby the association members were to use none but Brindell workers and the Brindell men were to work for no one not a member of the association. This eliminated from the building field the few independent contractors remaining. . . . Any member daring to undersell another, or underbid on a contract was fined, suspended or expelled. If expelled, labor refused to work for him and that is where the arrangement between the Brindell Council and the Building Trades Employers’ Association to which all belonged came into play.”

The Survey [Ja(1)'21, pp. 492-5] points out how a closed shop was established and says, "It was abused by some of the unionists who were thus enabled to levy tribute on contractors outside the association and some inside the association, and it was abused by contractors who were empowered by their control of the labor market to eliminate competition and to raise prices. . . . Many contractors testified that they had paid money to Brindell. Men not members of the Building Trades Employers' Association were peculiarly subject to such tribute. They were prevented from working on jobs until they met the requirements both of the Building Trades Council and of the Building Trades Employers' Association. . . . [It has been estimated] that the amount of Brindell's extortions 'will reach close to \$1,000,000.' . . . The Building Trades Employers' Association and the constituent organizations which composed the association had an effectual monopoly of building labor in New York. Brindell's council was the tool of the employers, and unscrupulous employers . . . did not hesitate to use the opportunity to get rid of rivals and to raise prices to unconscionable heights."

As a result of the exposures, according to *The Nation*, "Within the last three weeks the Cut Stone Contractors' Association and the Masons' Supply Bureaus have been disbanded. . . . Fifteen combinations of manufacturers and contractors have been disrupted," and, *The Survey* adds, "It may well happen that before the work is ended the Building Trades Employers' Association and the Building Trades Council will both have been destroyed."

These statements have been replied to by the B. T. E. A., in part, as follows: "No changes have been made in the membership, Constitution and the trade agreements with the Building Trades Council. The Building Trades Employers' Association has been grossly slandered in the recent investigation. It has been threatened with indictment by an investigator named Untermeyer, who is himself now being investigated by the Judge before whom he tried his first case. Our Association has not been indicted and will not be for it has not violated the law, neither has it been guilty of unethical conduct. Groups of contractors have been indicted. One group has pleaded guilty, but in no case has a trade association nor all the members of a trade association been indicted." [Mr(15) '21 Letter.]

"With one exception, the graft alleged to be paid to business agents was alleged to be paid by owners and operators and not by building contractors. . . . In no case has it been shown by the evidence submitted in the recent investigation that any member of the Building Trades Employers' Association paid ['or offered'] graft to a business agent. . . . The central or Building Trades Employers' Association has in no case participated in these cost systems or price regulating schemes. In fact, participation in price fixing . . . is distinctly prohibited in the Constitution of the Association." [F(14-15)'21 Norman's Address 6; also

nopoly of the skilled labor in those trades: "There is no question that the best mechanics in every line, especially in the building trades, are in the unions, because they have had control and have gathered them in. . . . We are practically forced — required — to make an agreement that we employ only their men, because they really control the market."⁹⁴

Belligerent Activities.—The Association, however, is somewhat belligerent, since it has co-operated with other associations in opposition to certain legislative proposals of the American Federation of Labor. Its "opposition to national and state labor bills has been made known directly to the proper committees of the congress and of the legislature."⁹⁵ Shortly after its formation, it actively opposed union proposals before Congress⁹⁶ and the State Legislature of New York.⁹⁷ It has protested vigorously against the further restriction of immigration by Federal laws.⁹⁸ It has a large Legislative Committee to watch legislative matters, especially in the State of New York and in New York City.⁹⁹

Interrelations.—In July, 1920, there were affiliated with the B. T. E. A. the following associations: Tile, Grate and Mantel Association; The Parquet Flooring Association;

Circular Letter No. 271.] "During the State investigation it has been shown that some of our trade organizations have adopted certain regulations under the name of 'Code of Ethics' or 'Code of Practice.' The Building Trades Employers' Association has been accused of neglecting its duty in that it has made no effort to restrain its trade associations. While the Building Trades Employers' Association has had no part in these alleged combinations, your Executive Committee fully realizes that the Association is held to some extent responsible by the public for the conduct of the trade organizations. The Executive Committee of the Board of Governors, therefore, requests you to carefully examine the Constitution and By-Laws of your association and eliminate therefrom any provision that in the light of the recent investigation might render you subject to criticism. If you have adopted a 'Code of Ethics' or 'Code of Practice,' you are requested to discontinue the same unless you feel that you are acting absolutely within your legal rights, and, if so, please submit such 'Code of Ethics' or 'Code of Practice' through your representatives on the Board of Governors at its next regular meeting." [Circular Letter No. 271.]

Hoisting Association; Master Carpenters' Association; Manufacturing Woodworkers' Association; Masters' League of Cement Workers; Electrical Contractors' Association; Mason Builders' Association; Composition Roofers and Waterproofers Employers' Association; Employers' Association of Roofers and Sheet Metal Workers of Greater New York and Adjacent Cities; Employing Plasterers' Association; Marble Industry Employers' Association; Association of Wire Work Manufacturers of the City of New York; House Movers and Shorers' Association; Employers' Association of Architectural Iron Workers; Metal Doors and Windows Association; Mosaic Employers' Association; Heating and Piping Contractors, New York City; Association of Master Painters and Decorators of the City of New York; Employing Metallic Furring and Lathing Association; Associated Plumbers' Association of the City of New York; Employing Stone-Setters' Association; Elevator Manufacturers' Association; Greater New York Cut Stone Contractors' Association; Metal Ceiling Association of New York; Master Carpenters' Association, Local No. 1; Refrigerator Manufacturers' Association; Association of Investing Builders; The Decorative Glass Manufacturers' Association; and Bronx Tile Dealers' Association.¹⁰⁰

In addition to its connections through the various trade associations affiliated with it, the Association is affiliated with the National Association of Building Trades Employers, and has been related to other associations.¹⁰¹ In 1904, it made an agreement with the Builders' Exchange League of Pittsburgh to take concerted action in dealing with the unions.¹⁰² It has been fought directly and indirectly by the National Erectors' Association and the League for Industrial Rights, respectively, directly because of its policy of making exclusive agreements with the building-trades unions through its affiliated associations, indirectly by suits brought against the combinations of unions

and member associations in restraint of trade of nonunion concerns.¹⁰³

The Association, through its officers and members, is related to a number of other associations. For instance, Mr. Otto M. Eidlitz is, or has been, a member of the Board of Governors of the Association and an officer of the Mason Builders' Association,¹⁰⁴ and a member of the Executive Committee and Chairman of the Finance Committee of the National Civic Federation.¹⁰⁵ Then, in contrast, of the seven members of the Elevator Manufacturers' Association, three of the most prominent, namely, the Otis Elevator Company, the A. B. See Electric Elevator Company, and the Warner Elevator Manufacturing Company, are members of the National Metal Trades Association,¹⁰⁶ a situation to be explained largely by the exigencies of the various departments of the corporations, since the policies of the two associations are not harmonious.

REFERENCES

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CHAPTER VII

THE BUILDING CONSTRUCTION EMPLOYERS' ASSOCIATION OF CHICAGO

THERE are general similarities between the Building Trades Employers' Association of New York and the Building Construction Employers' Association of Chicago — similarities that show the effects of a general underlying condition in the building industry. There are also contrasts as will appear from the following discussion.

Membership.— The Building Construction Employers' Association of Chicago has approximately 850 represented, individual and honorary members — which is considerably less than two-thirds of the building contractors of Chicago.¹ Represented members are the members of the 23 affiliated trade associations; ² individual members are active members not so affiliated. Represented and individual members in good standing are called qualified members.³ Individual members are to be found only in the trades where there is no trade association affiliated with the general Association. The Association favors strong trade associations as a principal factor in the keeping of trade agreements.⁴ "Any association of employers of any one or more branches of building construction and any person, firm or corporation engaged in any branch of the building industry employing labor in actual construction work upon buildings," are eligible to membership.⁵

The Objects of the Association are:

"to promote and protect the interests of its members in Cook County, Illinois; to maintain just and equitable treatment in

their relations with each other and with their employees; to promote steadiness of employment in the building trades, to supervise the making of trade agreements respecting the employment of labor by its members, and to insist upon the fulfillment of such agreements, both in letter and spirit; to promote the settlement of labor disputes by arbitration; to prevent strikes and lockouts; to encourage the formation of associations of contractors and to promote and protect the business interests of its members and its affiliated associations, but there is no intention, nor shall there be any action on the part of the organization, to control, nor in any way deal with, prices or restrict competition." ⁶

The Government of the Association is in the hands of an Executive Board, whose members are selected partly by the affiliated associations and chosen partly from the individual members of the Association by the President. Each affiliated association having fewer than 20 qualified members is entitled to two representatives or delegates on the Board. An association having between 20 and 50 members is entitled to three representatives. If the association has more than 50 members, it is entitled to an additional representative for each 50 qualified members or major fraction thereof above the first 50, that is, at least four representatives, but not more than six. The entire group of individual members is entitled to only three representatives, and these are chosen by the President with the approval of the Board. Originally or finally all powers in matters under the jurisdiction of the Association rest with the Executive Board. By a majority vote, the Board elects the President, four Vice-Presidents, and the Treasurer, and passes upon the appointment by the President of the Secretary-Business Manager and the standing committees. The Board has entire management of and jurisdiction over the affairs and funds of the Association, except such as are expressly given to officers and committees by the Constitution and By-Laws. But as such officers and committees are directly or indirectly

appointed by the Board, it is evident that the highest power is vested in the Board.⁷

The Board has the power to make rules and regulations, orders and prohibitions which are final and obligatory upon all members of the Association, and to revise the Constitution.⁸ The Board has power to determine, regulate and control the conduct of all members of the Association in any and all controversies, differences and difficulties arising in the building industry and involving the Association members and their workmen, either between the members themselves in labor matters or between members and building-trade workmen. But the Board may not interfere directly or indirectly with the conduct of a shop or factory of any member, except upon the request of that member, when it may assume full control of any difficulty therein. The Board passes upon all applications for membership.⁹

In the interim between the meetings of the Board, an Executive Committee exercises the powers of the Board with the exceptions of (1) the removal of officers and (2) all duties expressly delegated to the Board alone. This Committee is made up of the elected executive officers of the Association and the chairmen of the ten standing committees. Besides the powers thus derived from the Board, the Executive Committee has power to suspend or expel members for any cause it deems sufficient, after a formal complaint has been made and an opportunity given to the member to defend himself in case of an individual or represented member, or itself in case of an affiliated association. The Executive Committee may appoint a trial board of at least five members to hear and determine such cases, subject to a rehearing by the Committee itself.¹⁰

However, so large a body as the Executive Board — at present it consists of from 60 to 70 delegates¹¹ — could directly exercise all of these powers only with great difficulty, nor could the Executive Committee with its 16 members at-

tend to all the details of the work involved in exercising all of such powers. So the Board has been given the power to delegate most of its powers either to standing committees appointed from the members of the Association by the President with the approval of the Board, or to special committees appointed by the President from the delegates on the Board.¹² The following standing committees are provided for in the Constitution: Committee on Ways and Means, Committee on Finance, Committee on Contracts, Committee on Membership, Committee on Legal Action, Committee on Grievances, Committee on Promotion and Publicity, Committee on Trade Relations, Committee on Legislation and Committee on Commercial Arbitration.¹³

The general powers and duties of the various standing committees are as follows: The Ways and Means Committee is concerned with the raising of funds, the Finance Committee with the manner in which they are spent. The Committee on Promotion and Publicity devotes itself to securing new members and increasing the prestige of the Association through publicity, while the Membership Committee passes upon the application of new members and tries to keep out undesirable applicants. The Committee on Trade Relations considers matters relating to materials and other like interests of the organization, while the Committee on Contracts deals with the labor interests, such as contracts between members and their employees, jurisdictional disputes, and all questions in which architects may be interested. The Grievance Committee investigates all grievances and tries to adjust them, while the Commercial Arbitration Committee arbitrates differences or disputes of a commercial nature involving members, owners and architects. The Legal Action Committee has charge of all matters of a legal or legislative nature in which the Association is interested, while the Legislative Committee deals with legislation in the City Council, the State Legislature or the National Congress,

opposing measures regarded as detrimental to the interests of the building industry, and urging favorable legislation.¹⁴

The Association has found it advisable to have a Business Manager to get quick action on matters that the Board could best leave to an executive officer. The Business Manager has delegated to him "full power and authority under direction of the President or the Executive Committee to conduct the affairs of the organization." The Business Manager, acting with the approval of the President, has at all times the right to perform any act which he deems best for the interest of the Association and its members. In all business dealings of the Association and in its intercourse with members in relation to labor matters, the Business Manager is its official representative, subject to the direction of the President. "The office of Business Manager and Secretary may be held by the same person."¹⁵

Obligations of Members.—Members are bound to the Association by an agreement. Every member must sign a prescribed form of agreement in which he agrees to be bound by the Constitution and By-Laws of the Association and to "obey and comply with all lawful agreements, decisions, orders, rules, resolutions and regulations of the Association, or of the Executive Board or Executive Committee of the Association now in force, and as may from time to time be made, adopted and promulgated."¹⁶ He further agrees to pay all fees, dues, assessments and fines.¹⁶ The member is further bound by his contribution to the reserve or emergency fund, for if he violates any of the rules and regulations of the Association he may be expelled; and an expelled member is deprived of all privileges and protection of the Association and loses all interest in any property of the organization.¹⁷ Thus members are now bound to the Association instead of by bond as was formerly the case.

The Funds of the Association are derived from initia-

tion fees and other dues. The initiation fee for each represented member is \$1.00, and for each individual member \$25.00. "Each represented or individual member shall pay as dues to the Secretary of the Association and for the use and benefit of the Association a sum equal to two tenths of one (2-10's of 1%) per cent of the amount of each contract made by him or it for the construction of any building or any part thereof, or for the repair or remodeling which may be directly or indirectly required for any building or structure or part thereof, in Cook County, Illinois, including any and all work done upon the time and material basis for such building or structure. The minimum amount of dues to be paid by each member shall be the sum of one dollar (\$1.00) per month. Of the two tenths of one per cent received for dues from members, one tenth shall be deposited in the general fund of the Association, and not less than one tenth of one per cent shall be deposited in a reserve fund to be used for emergency purposes." ¹⁸ Another source of revenue to the Association is the fines of members paid for the violations of the laws of the Association, or of contracts with the unions. These fines range ordinarily from \$50 to \$250, although the maximum limits are much higher, ranging from \$500 to \$2000. ¹⁹ Fines, however, are a minor source of revenue; the main source is the percentage dues.

Evolution.—In the building industry, labor troubles have come with periods of violence succeeded by periods relatively peaceful. When labor troubles reach their height, a strong association is usually in the field, but this disintegrates in times of peace. The Building Contractors' Council was formed in April, 1899, as a federation of trade associations, and the occasion of its formation was "the increasing unreasonableness and injustice of the Building Trades Council." ²⁰ In 1900, the building contractors had a strong organization in their Council, which had developed its strength in the great dispute of that year, but it steadily weakened

in the quiet time that followed the dispute. Meanwhile the unions were gaining strength, and in time were again able to force concessions from individual contractors until finally the employers felt that the unions were making absurd and impossible demands.²¹ The Chicago building trades had a "Skinney" Madden for New York's Sam Parks, and the amounts demanded by the large and small grafters became so uncertain that allowances could not be made in the bids to cover such outlays. The Building Contractors' Council was succeeded by the Building Construction Employers' Association, which was organized on July 27, 1911, with 128 members. The conditions leading up to the formation of the latter organization are thus described in the *Bulletin*:²¹

"The individual trade agreements made during the year 1900 were believed by many to be a sufficient guaranty that peace would prevail and that no sympathetic strikes would occur. Organized labor, however, was awake to the necessity of building up and strengthening their individual unions and while the contractors were peacefully dreaming, their employees were continually concentrating their efforts towards re-establishing their unions and solidifying their depleted ranks. This they succeeded in doing in a few years, organizing every branch of the building industry, establishing a new central council and proceeding with dexterity and skill to give the employers a few emphatic and costly lessons in organization prowess. These lessons continued for many years, *contractors' associations, unsupported, disintegrated, members unable to stand the pressure, became discouraged and individual contractors were compelled to bow to the will of the mighty and stronger power exerted by labor organizations.* This power of organized labor was in itself to be commended if it was used to uplift the conditions of the rank and file of organizations or employees, but, *too frequently and sad to relate was it used as a means of advancing the political ambitions of some congenial delegate or enhancing the value of his earthly possessions.* The ease with which so many contractors and owners

were induced to succumb to the wishes and wiles of some so-called representative of organized labor was certainly in itself startling, while many who attempted to refuse to 'come across' amicably were given the third degree and sweated into submission. *It was the constant application of this system, the many jurisdictional trade disputes, the sympathetic strike and the continually everlasting nagging at the contractor without cause or justification, irrespective of agreements, that aroused the contractors to the realization of the fact that unless something was done to better conditions in the building industry in Chicago, that they would of necessity be compelled to go out of business.*" ²¹

It was rather the universal levying of graft contributions by a number of union officials upon all contractors that became intolerable, since a universal levy gave no special privileges to a few over the many. Unreasonable demands and strikes were simply the means used by the corrupt union official to force the payment of graft money to him as tribute for his calling off the strike or withdrawing the demands. It is only when graft conditions become general that there are such exposures as occurred in the years 1914-1915, or in the years 1919-20, as a recent investigation has shown. But as the grafting becomes general, it also becomes uncertain, for minor union officials must have a share, and the contractor never knows how many of such demands are going to be made upon him. Such a condition gave the Association a definite aim, stated as follows:

"This Association's aim is to promote peace and harmony among employers and employees in the building industry of Chicago and obtain the best building conditions possible for the contractors of Chicago and to promote the building interests of this community to the end that more, better and more substantial buildings will be erected and that building operations shall continue unmolested by sympathetic strikes and jurisdictional trade disputes." ²²

The Association did not, immediately on its organization, join issue with the unions; it started in to eliminate some of the rather minor forms of graft. "Its first effort was to eliminate the annual avalanche of labor publications, souvenir programs of picnics and receptions, so-called benefits, etc., which were a constant source of annoyance to the contractor and which for fear of prejudicing his own interests or those of a customer, he was compelled to patronize. The rule of the Association prohibiting advertising in any of these numerous schemes, or purchasing tickets or making any contributions to them, has saved the members of the Association many dollars annually."²³ The rule is:

"All members of this organization are prohibited from making directly or indirectly any contributions of any kind to any labor organization or any representative of such organization and are also prohibited from purchasing any tickets for any function of any kind given by or in behalf of any labor organization and also are prohibited from advertising in any publication of any kind for, by or in the interest of any labor organization. The Executive Board are [sic] authorized to fine and discipline offenders of this rule."²⁴

Here we find the peculiar situation of the Association engaging in a widespread boycott of certain union enterprises, justifying itself on the grounds that these had been used for the purpose of graft. The Association has not hesitated to suspend the rule whenever such suspension conduces to the interests of the contractors for in both 1913 and 1914, the rule was suspended in regard to the publications of an "educational" nature issued by the Building Trades Council to convince union members in Chicago of the soundness of the Joint Conference Agreement.²⁵ It was suspended in 1917, for instance, for the annual issue of the Building Trades' Edition of the Chicago Building Trades Council, as it usually is.²⁶ The members were warned that the suspension held for the special occasion only. A placard

containing the rule has been prepared for the member to post in a conspicuous place in his office, so that the union solicitor can be shown immediately the law of the Association.²⁷

Handling Labor Disputes.—Although issue was not joined with the unions until 1913, the situation was bad in the two previous years. "In 1911 for many months a great portion of the building operations of the city of Chicago were tied up while rival unions disputed and fought over questions of jurisdiction and even inaugurated civil war against each other,—their rival gunmen reduced the city of Chicago to a state of anarchy during the continuance of the war. The contractor, the owner, and the public had no control over the situation, or voice in the settlement of the rival claims."²⁸ Probably the Association felt itself too weak at that time to enter into a prolonged or bitter struggle.

In 1912, the Association had a minor struggle with the Journeymen Lathers' Union in behalf of the Plastering Contractors' Association, and demonstrated its strength in a struggle where one union was involved. The struggle, however, was costly to the new Association,—the sum of "Over fifteen thousand dollars was expended to accomplish the results desired."²⁹ In 1913, a number of unions made demands upon the affiliated trade associations, and a prolonged struggle took place with the Marble Setters and Helpers' Union, in which the Association spent several thousands of dollars and declared a lockout.³⁰ Trouble began about the first of the year,³¹ and broke forth more seriously in April when the Union presented demands that the contractors would not grant.³² Sympathetic strikes, threatened lockouts and conferences filled the next four months. After the Association had declared a lockout involving thousands of men, an agreement was reached on July 18, 1913, through a joint conference board which adopted the Joint Conference Agreement. During the lock-

out, an attempt was made by the unions to have the City Council intervene because buildings in process of erection for the city were being tied up.³³ To this the Association replied by asking the City Council to investigate the union practices of intimidation of workmen.³⁴ Architects and others attempted to have the matter arbitrated during that time with no immediate success.³⁵ The situation was serious from the calling of the lockout on June 19, until the agreement was reached on July 18, and various sorts of moves were tried by each side in order to force matters.³⁶

In 1914, the Association had trouble with the Sheet Metal Contractors over the employment of Sheet Metal Workers, who had been expelled from the Building Trades Council for engaging in strikes contrary to the rules of the Council.³⁷ In this case the Association conducted a fight for the dissolution of an injunction restraining the employers from laying off members of that union, and complained of the "unnecessary postponement by the court."³⁸ The Association tried to force the Sheet Metal Contractors' Association to discharge all members of the Sheet Metal Workers' Union in order to force that union to live up to its trade agreement and comply with the rules of the Council. In January, 1915, the Association threatened to take drastic action with the Sheet Metal Contractors' Association³⁹ although apparently none was taken immediately.⁴⁰ The real trouble seems to have grown out of a conspiracy between the business agent of the union and an inner ring of sheet metal contractors for the purpose of monopolizing the trade for these contractors by calling strikes on the outsiders.⁴¹ In the struggle over the "Uniform Form of Agreement," the older controversy was pushed into the background. The Chicago Building Trades Council suspended the Sheet Metal Workers' Union from its organization, and did not reinstate the Union until about 1920. Under these conditions, the Building Construction Employers' Association did not

attempt to discipline the Sheet Metal Contractors' Association after the court dissolved the injunction restraining the calling of the lockout.⁴² The B. C. E. A. has been somewhat lenient in the enforcement of its lockout orders, since it cancelled all the fines and withdrew the notices of forfeiture of bonds of those members who refused to comply with its order of June 19, 1913, to lock out workmen.⁴³

From the above, it may be seen that the Association, when supported by its members, uses the lockout effectively to force the unions into line, but it is not always supported by its members. Members of the Association, for instance in 1913, refused to lock out workmen when ordered to do so, and while the Association declared their bonds forfeited it later deemed it expedient to withdraw the declaration.⁴³ It should be noted at this point that when the Association declares a lockout, it exempts workmen on repair work in tenanted buildings or residences where an emergency requires the work to be done.⁴⁴ For other work that is pressing during the period of the lockout's operation, the Association employs nonunion workmen or members of a rival or "independent" union which the Association itself has fostered or organized.

It is through the joint agreement that the Association attempts to protect its members against strikes and stoppages of work on account of jurisdictional disputes. This agreement provides "that work upon buildings shall be continuous without sympathetic strikes or a cessation of work of any kind for any reason,"⁴⁵ when such work is being performed for members of the Association by unions affiliated with the Chicago Building Trades Council.⁴⁵ Formerly matters in dispute were referred to a Joint Conference Committee composed of an equal number of representatives, six for each of the Association and Council.⁴⁶

The Joint Conference Board, which succeeded the Joint Conference Committee, is composed of eight representatives

each from the Association and the Council.⁴⁷ The Board was organized in July, 1913, to settle a widespread combined strike and lockout in the building industry of Chicago; it settled that trouble and drew up a joint agreement for the adjustment of disputes in the future.⁴⁸ Much of the work of the Board has related to jurisdictional disputes and the prevention of sympathetic strikes. Unions out on sympathetic strikes in violation of the joint agreement have been forced to go back to work by the Board.⁴⁹ It has rendered a number of decisions upon the claims of rival unions to the jurisdiction of certain classes of work, such as the dispute between the boiler makers' and the machinery movers' unions over the erection of boilers, where the former's work ended and the latter's began.⁵⁰ It formulated the Uniform Form of Agreement to be embodied in all trade agreements between the unions affiliated with the Council and the associations affiliated with the Association.⁵¹ In fact, all matters coming up between the Council and the Association are considered by the Joint Conference Board,⁵² and both sides comply with its decisions, although the Council has found it necessary to force unions to call off sympathetic and jurisdictional strikes, and even to dismiss from its body such unions as would not comply with the decisions of the Board.⁵³ Up to, at least, May, 1914 — and probably even more recently, if not to date — every decision of the Board has been reached by a unanimous vote.⁵⁴ As the Board has no power to enforce its decisions except by an appeal to the Association and the Council, such unanimity is essential to its greatest efficiency.

In order to centralize the adjusting of labor disputes and so make the employers stronger in dealing with the unions, the By-Laws contain the following rules:

“Members of this organization must refrain from discussing or acting upon any labor dispute with labor representatives at their places of business.

"Should any dispute arise upon any job or work being done by any member of this Association, it shall be referred to the association of the trade of which the member is affiliated, or referred to the Grievance Committee of this Association. If such disputes are subject to any agreement a member of his association may have with a trade union, it shall be adjusted through the Joint Arbitration Board as provided in the agreement. All disputes and facts in connection with them and any decisions or rulings in regard to them shall be reported to the office of this organization." ⁵⁵

Further centralization is provided for in the Constitution by the requirement that,

"No trade agreement, either individual or collective, respecting the employment of labor, or terms and conditions of the employment of such, shall be signed by any member, or by any officer or arbitration committee of any association affiliated with this organization, until the proposed agreement in full has been first submitted to the Executive Board of this organization and approved by them, and no change shall be made in any agreement during the life of the same, until the proposed change shall have first been approved by the member or Association party thereto, and the Executive Board of this organization." ⁵⁶

Furthermore, this centralization extends to individual members as well as to represented members, since,

"Every individual member is bound by all agreements, contracts, arbitrations and regulations, concerning or affecting in any way employees, which may be made by the Association members representing the respective trades in which the individual member is engaged; provided, such agreements, contracts, arbitrations and regulations have been approved by the Executive Board of this organization." ⁵⁷

Cardinal Principles.—As a standard by which members and the Executive Board or Committee may judge as to the

proper characteristics in an agreement, the Association has laid down the following rules and principles to govern trade agreements made, directly or indirectly, between it and a trade union:

"All trade agreements entered into between members, including represented and association members, or between associations affiliated with this organization and any employees or any association of employees, must contain provisions that there will be no cessation of work pending the settlement of any question or dispute, and that all questions or disputes affecting either parties to the agreement shall be decided by arbitration, to be provided for in the agreement.

"The following eight cardinal principles of this organization must be inserted also in all agreements and must be set forth in the fore part of all agreements as being the basis upon which said agreement is made.

"1. That there shall be no limitation as to the amount of work a man shall perform during his working day.

"2. That there shall be no restriction of the use of machinery or tools.

"3. That there shall be no restriction of the use of any raw or manufactured material except prison-made.

"4. That no person shall have the right to interfere with workmen during working hours.

"5. That the use of apprentices shall not be prohibited.

"6. That the foreman shall be selected by and be the agent of the employer.

"7. That all workmen are at liberty to work for whomsoever they see fit.

"8. That all employers are at liberty to employ and discharge whomsoever they see fit."⁵⁸

Uniform Form of Agreement.—These principles, nearly word for word, formed part of the "Uniform Form of Agreement," over which the 1915 dispute took place.⁵⁹ They form the basic idea of the "Uniform Form of Agreement."⁶⁰

The first attempt to formulate a uniform form of agreement was made by the Executive Committee in October, 1914. That Committee then had the aim to "endeavor to have jurisdictional lines so drawn and defined that there will be no overlapping in agreements when they are made."⁶¹ Such an aim was not embodied in the "Uniform Form of Agreement" finally agreed upon by the Joint Conference Board.⁶² The main purpose of the present form of agreement is "to insure to all that work upon buildings in this city shall be continuous and without interruption."⁶³ The Agreement provides for a Joint Arbitration Board, in reality a board of conciliation, since it is to be composed of an equal number of representatives of employers and employees "*engaged in the trade*" covered by the particular agreement.⁶⁴ The Board has full power to enforce this agreement and to make and enforce all lawful working rules governing both parties to the agreement. It has jurisdiction over all disputes that cannot be settled by the presidents of the two organizations, parties to the agreement; and for the purpose of deciding the points at issue, has the right to summon members of either organization when complaints are lodged against them. It has the power to fine or suspend members of either organization for violating its orders and decisions.⁶⁴ With this Agreement universally accepted and efficiently administered, "The sympathetic strike must go and all disputes be adjusted by arbitration without the stoppage of work."⁶⁵ The grave problem left, after all the unions and associations have agreed to the "Uniform Form of Agreement," will continue to be the matter of efficient administration. But it is hardly probable that all of the building-trades unions and associations will ever sign, or abide by the Agreement when they do sign, for there were two or three trades in the city which would not sign the uniform form,⁶⁶ and opposition to it by a number of the members of the building-trades unions has been strong. It was, however, strongly supported in the beginning by the Chicago Building

Trades Council. The Agreement has been in effect for more than five years and has not proven entirely satisfactory.⁶⁷

Success or Failure of the Agreement.— The Joint Conference Board provided for in the Agreement, has decided and settled about 40 different controversies in the building industry in the past six years. The unions have repeatedly violated the agreement by calling jurisdictional and sympathetic strikes. A long controversy between the carpenter contractors and the carpenters' union over an advance in wages in excess of those provided for in the trade agreement, finally resulted in the B. C. E. A. resolving to call a lockout in certain trades or in all trades if deemed necessary. Even then the local federation of unions in the building trades — the Building Trades Council — refused to act, and the lockout was called. The carpenter contractors combined with the material dealers to stop all building operations in Chicago, and so make the lockout effective. However, the demand for carpenters was so great in other cities, and the insistence of prospective building owners was so strong, that the Association was forced to make a complete surrender to the unions, and to advance wages generally to \$1.25 an hour. Workmen frequently required in addition premiums and overtime at double rates. Such conditions led the Association to caution the contractors not to get caught with low figures. In 1921, a strike against wage reductions was finally arbitrated and a reduced scale awarded for certain trades, and terms of their joint agreements changed. In trades which retained their wasteful practices and monopoly and which refused to abide by the awards, the Association threatened the open shop. It is clear that the Agreement has not been scrupulously observed, nor has it prevented protracted strikes and other troubles, such as the extended lawsuits that the Association has had to sustain as a result of the

combination of the carpenter contractors and the material dealers. The Association has complained bitterly that the unions have regarded the joint agreements as mere "scraps of paper."⁶⁸

Subcontracts.—The Association encourages the subletting of all contracts by a member to other members. Formerly the Association reduced the member's dues upon a contract to the extent of the amount of subcontracts let to other members.⁶⁹ At the present time it recommends as strongly as it may, a recommendation that is almost a command, that a member sublet his contracts to other members. Its Constitution provides as follows: "To promote and maintain harmony between different trades, it is desirable and is recommended that members of the organization shall place all orders for work or material requiring labor at the building in any trade represented on the Board with members of this organization."⁷⁰ Bulletins of the Association make the point clear that such recommendation is a *rule*. To quote: "Complaints are still being received that the members do not fully live up to the rules respecting the letting of their sub-work. The interests of each member and the Association can best be conserved by every member respecting each other's rights and interests. More support can be obtained for the Association and more encouragement given members, if all who have any sub-work to let will but give the matter a thought, giving preference to those who are helping to maintain conditions for all by their affiliation with this organization."⁷¹ This idea has been kept before the members for some time,⁷² and an amendment to the By-Laws was proposed in 1913 that dues should be one per cent instead of one-tenth of one per cent upon any work sublet by a member to a non-member of the Association,⁷³ but the proposal was defeated.⁷⁴ However, the attempt showed the prevalence of the idea, as the proposal was hardly expedient. Members have been warned of the dan-

ger attending the subletting of contracts to non-members, and instances recounted where delays and strife resulted from the subletting of contracts to outsiders.⁷⁵ Members are cautioned that they cannot enjoy the protection of the Association against strikes through the joint agreement between the Association and the Building Trades Council, if contracts are sublet to non-members, for against these the unions may call strikes freely without violating the agreement.⁷⁶ The Association does not take up labor difficulties for a member of an affiliated trade association when he has not qualified for and paid dues to the B. C. E. A. itself.⁷⁷

Other Activities.—The Association has engaged in activities other than those illustrated above. In a number of cases it has stopped the use of maintenance men, that is, men who are kept on the job in anticipation of the need of their services. They are regarded by the Association as idlers on pay.⁷⁸ It has ordered its members not to pay their workmen for "waiting time," that is, for the time lost in striking, although in 1920, this order caused a renewal of strikes.⁷⁹ It forced, for instance, the Glaziers' Union to discontinue the issue of an "Unfair List."⁸⁰ It took part in the promotion of a new union in a trade in which the old union was considered as over-belligerent.⁸¹ It aided in the defense of its members who were prosecuted for conspiracy in the combination case of carpenter contractors and material dealers.⁸² It refused to recognize the Timekeepers and Material Clerks' Union on the ground that these men should represent the employer.⁸³ It has complained of the decreased efficiency of workmen—"labor slacking in production"—and attributed high costs to the lessened productivity of the wage earners. It has also urged the local trade associations to make every effort to foster vocational training for apprentices, because, "the country is calling and needs more skilled mechanics."⁸⁴ It has opposed legislation which it believes is inimical to the interests of the con-

tractors, and has co-operated with other associations in the promotion of amendments to such laws in order to make them less objectionable.⁸⁵ For example, the Association opposed before the City Council of Chicago a measure providing for a strike bureau.⁸⁶ It opposed before the Illinois State Legislature, amendments to the Compensation Law, such as increasing the weekly indemnity;⁸⁷ an anti-injunction bill;⁸⁸ an eight-hour bill;⁸⁹ and a bill for jury trial in contempt cases.⁹⁰ It has advocated certain other bills, such as the scaffolding bill.⁹¹ It endorsed its attorney, Mr. Samuel Harper, for a position on the Industrial Board of the State of Illinois.⁹² It protested to Congress against the enactment of laws further to restrict immigration.⁹³ It urged members "to look up candidates for the legislature and see that they are right,"⁹⁴ and it endorsed E. W. Sproul for Congress.⁹⁵ In another field, it considered the rates charged by the old line liability insurance companies as excessive, and established a mutual liability insurance company of contractors.⁹⁶

Interrelations.—The Association has affiliated with it the following trade associations: Associated Builders of Chicago [which is an amalgamation of the Builders' Association of Chicago, and the Carpenter Contractors' Association], Chicago Mantel and Tile Contractors' Association, Chicago Marble Dealers' Association, Chicago Master Plumbers' Association, Chicago Master Steamfitters' Association, Chicago Mosaic and Terrazzo Dealers' Association, Composition Floor Manufacturers' Association, Concrete Contractors' Association, Cut Stone Contractors' Association, Decorating and Painting Contractors' Association, Electrical Contractors' Association, Evanston-Wilmette-Kenilworth Master Plumbers' Association, Illinois Fireproof and Manufacturing Contractors' Association, Iron League of Chicago, Lighting Fixture Employers, Master Roofers' Association of Chicago, Mastic Floor Manufacturers and

Contractors' Association, Ornamental Glass Manufacturers, Plastering Contractors' Association, Plate and Window Glass Jobbers, Pipe and Boiler Covering Employers' Association, Sheet Metal Contractors' Association, Woodworkers Employers' Association.⁹⁷ While each of these associations has its individual characteristics, the B. C. E. A. may fairly be said to typify them.

The Building Construction Employers' Association is, in turn, affiliated with the Associated Employers' of Illinois,⁹⁸ and has agitated for some years for a state and national association of contractors, both of which have been formed and with which it has affiliated. These new associations are the Associated Building Contractors of Illinois, and the National Association of Building Trades Employers.⁹⁹ Along with other building trades associations, it took part in the formation of a "National Board of Jurisdictional Awards," a Board composed of delegates from the building trades unions and associations who decide jurisdictional disputes.¹⁰⁰

The Association has also been related to other organizations. "A committee representing the Building Construction Employers' Association, met with representatives of other employers' associations and agreed to amendments to certain sections in the proposed bill" on workmen's compensation before the Illinois Legislature in 1913.¹⁰¹ The Association has aided in the formation of other associations. The builders of Indianapolis formed an organization, adopting the Constitution and By-Laws of this Association as a basis.¹⁰² The Pittsburgh contractors also took this Association as a model, and Secretary Craig went to Pittsburgh to assist in the formation of the Building Construction Employers' Association of that City.¹⁰³ Secretary Craig has addressed a number of associations, among which have been: the contractors of Freeport, Illinois, when they were forming an organization modeled upon this Association;¹⁰⁴ the Associated General Contractors of America in 1921; the

Builders' Exchange of St. Paul, where he explained at length the workings of his organization;¹⁰⁵ the Kankakee Builders' Exchange at its annual banquet in 1915;¹⁰⁶ the builders of Indianapolis along with other officers of this Association; the builders at Hammond and the Building Construction Employers' Association of Cincinnati,¹⁰⁷ and the contractors of Alton, Illinois.¹⁰⁸ Ex-President Gindele has also addressed other associations,¹⁰⁹ for instance, he appeared as one of the principal speakers at the annual banquet of the Builders & Traders' Exchange in 1914.¹¹⁰ Other associations than those mentioned above have been influenced, both in form and activities, by this Association. "The Contractors' Association of San Francisco requested two hundred and fifty copies of the special organization edition of the *Bulletin* to be sent them, as they desired to send a copy to each of their members to show them what organized efforts would mean and what had been accomplished by the Chicago Association."¹¹¹ The extent of this influence is suggested in the case of one of the associations mentioned above: the builders of Cincinnati have an organization not only named and modeled after this Association, but they have also used the lockout in a similar manner, have taken the trade agreements of the Chicago organization as a guide for their own agreements, and have attempted to have members sublet contracts to members only.¹¹² The Cincinnati Building Construction Employers' Association also has published a *Bulletin* similar to that issued by the Chicago Association. The Indianapolis Association following along the lines of the organization in Chicago, has used the method of threatening to fill the strikers' places with nonunion workmen, in order to force the union to call off the strike.¹¹³ In 1920, it endorsed the aims and objects of the "United Americans of Illinois," and contributed \$2,500 to that cause.¹¹⁴ Finally, the recognition accorded

to this Association by the belligerent National Erectors' Association is thus set forth in a note in the *Bulletin* of the B. C. E. A. for December, 1913:

"The November Bulletin of the National Erectors' Association states that 'the Building Construction Employers' Association of Chicago has had a phenomenal growth, its chief purpose being to eliminate the sympathetic strike. It already has had a large measure of success and is at present in a fair way to gain the recognition of this principle from the unions themselves.' " ¹¹⁵

The Association has thus summed up its structure and activities: ¹¹⁶

"The Building Construction Employers' Association is a central association composed of twenty or more trades doing building construction work in Chicago. It has always fostered and encouraged trade associations and recognized the rights of its individual units to make rules for the government, conduct and welfare of its branch of the building industry. It guarantees and gives them autonomy in all matters pertaining to their industry, except those which are specifically mentioned in its Constitution and By-Laws.

"Its Executive Board since its inception has been composed of duly selected members of each craft, trade representation upon its governing body being deemed most essential to the welfare of the industry. Under this method it has kept in direct touch with each individual trade and has been able to give them better service and preserve the rights of trades without friction or criticism from its trade units.

"It has unanimously, repeatedly and at great cost given its united support to its weaker units and without hesitation ungrudgingly gave its best efforts to obtain satisfactory conditions for the stronger units including even those whom it was under no obligation to assist.

"Its whole object is and has been to obtain for the building interests of Chicago, sane, safe and satisfactory working conditions and make for a continuation of prosperity in the build-

ing construction line. No trade unit, large or small in numbers has ever complained that because of the composition of the Executive Board through trade representation, its individual interests were not always looked after and that because of its numbers it was ever taken advantage of and had not been given fair consideration.

"The Executive Board of the Building Construction Employers' Association is and has always been composed of men from the different trade units, who were unselfish and broad-minded enough to forget their own individual interest, or that of the trade they represented when confronted with problems affecting the industry or the Association and its members as a whole.

"This co-operative unselfish spirit has manifested itself in every action taken by the Executive Board and has permeated every move inaugurated for the benefit of the entire building industry, irrespective of the inconvenience and cost either to the individual, his trade association, or the central organization.

"Nearly ten years of organization, nearly ten years of experience with its strife and turmoil, nearly ten years of association, co-operation and effort, and nearly ten years of close affiliation, cause many to hesitate to cast their lot with a new method and throw aside one they know can skillfully handle their problems and one which has proven time and again so satisfactory to the interests they represent. The will of the majority of the units, whose combined and individual interests are paramount to them as units, rather than a majority of the whole whose interests are not to be compared in either volume or importance are in the minds of many most essential to the successful operation of a central organization." ¹¹⁶

Other Associations in the Building Industry.—In addition to the associations studied and referred to above, there are in the building industry a large number of organizations so varied in detail that a study of them cannot be made here. A number of the trade associations are of the combination type so much complained of by the belligerent

associations. In New York City, the Master Carpenters' Association, and in Chicago, the Chicago Lighting Fixture Association, have been in the past few years before the courts charged with being in conspiracy with the unions against independent concerns.¹¹⁷ It is current among the leaders of the trade associations that the associations other than their own fix prices, although they deny that their own association attempts to do so.¹¹⁸ The combination association is usually a negotiatory association, and undoubtedly the majority of the building-trades associations are negotiatory. There have been, however, a number of belligerent building-trades associations, such as the Master Painters' & Decorators' Association of Chicago, the Illinois State Association of Master House Painters and Decorators, and the International Association of Master House Painters and Decorators of the United States and Canada.¹¹⁹ The belligerent National Erectors' Association is often classed in the building industry, because its operations extend to the erection of steel frames for large buildings. The National Association of Sheet Metal Contractors has adopted open-shop principles.¹²⁰ The National Association of Builders' Exchanges also seems to have been belligerent for the *Industrial Gazette* the official journal of the Pennsylvania State Association and the National Association of Builders' Exchanges, has been distinctly nonunion in attitude.¹²¹ The latter association is now negotiatory.¹²² It is probably safe to say that many of the local associations affiliated with these organizations likewise have been belligerent. But these organizations have not been notably strong. There is no strong national association of federated local builders' associations, although there are a number of bodies that claim to be such. Attempts to form a strong body of this character have apparently failed. There is now great activity in this field. Furthermore, centralization of associations in the building industry will not soon reach the stage of that in

the iron and steel industry, because of the craft nature of the trades.

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PART III

ASSOCIATIONS IN THE PRINTING INDUSTRY



CHAPTER VIII

THE AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION

THE complex conditions of the conflict are further illuminated by a study of the associations in the printing industry. These furnish a contrast to the associations previously discussed. The associations in the printing industry have not developed the functions in labor matters that the associations in the iron and steel industry have, nor have they the complex organization found in the associations studied in the building industry, although one of them is developing such. This, too, in spite of the fact that the two prominent associations in the printing industry were organized many years prior to the two associations in the building industry and the three belligerent associations in the iron group. The associations in the printing industry cannot be classed as belligerent as a group, nor as negotiatory organizations as a whole. The conditions in the industry are such that the association in the newspaper field is negotiatory, while that in the book publishing business is partly belligerent, partly negotiatory. These associations are respectively, the American Newspaper Publishers' Association, and the United Typothetæ of America. These associations, unlike the six studied previously, do not make labor matters their main consideration.

Membership.—"The American Newspaper Publishers' Association is composed of the principal daily newspapers in the United States and Canada. It has a membership of 551, of which 539 are active and 12 associate. Practically

all the large newspapers published in the United States and Canada are members of the Association. Associate members are admitted from cities of not over 40,000 population, and the associate membership is limited to not more than one year. At the end of that time associates must become active members or cease connection with the Association.”¹ Associate members may not vote on any measure presented to the convention of the Association, nor receive the services of the Special Standing Committee of the Association, with the exception of the labor bulletins. Otherwise, they receive all the other services and bulletins of the organization.²

The Special Standing Committee of the Association deals with labor problems, and it is with it that our study of the Association will be largely concerned, as we are considering only the activities of the Association that relate to the labor problem. A booklet of the Association thus describes this Committee:

“A Special Standing Committee, of which Mr. H. N. Kellogg is chairman, with offices in the State Life Building [now in the Occidental Building], Indianapolis, has for many years maintained amicable relations between the members of this Association and the various labor unions through arbitration agreements which preclude the possibility of strikes, and have proven to be a great factor in the maintenance of industrial peace in newspaper offices. All active members are entitled to the protection these contracts afford provided they make individual arbitration agreements with the unions, application for which must be made to the chairman of the Special Standing Committee. A list of men desiring employment is kept in the Indianapolis office and the chairman endeavors to supply competent help to members when they need it. He also keeps on file the contracts and scales of the labor unions in various cities and will furnish copies of these scales when desired to members who wish them; they are often found very useful to members who are considering new propositions. The chair-

man is always ready and willing to answer questions on all phases of the labor situation, and to take up matters at issue with the International Presidents of the several labor organizations. In this way many serious disagreements are avoided and settlements reached without the danger of strikes or the necessity of going through arbitration proceedings.”³

International Arbitration Agreements.—The system by which the Association deals with the unions consists, briefly, of International Arbitration Agreements between the Association and the international unions, which include Codes of Procedure agreed upon by these bodies, and Individual Arbitration Contracts to be signed by the proprietor of the newspaper and the local unions. The system is the same with each and every union with which the Association deals, as for example, the International Typographical Union.⁴ The contracts, agreements, etc., between this Union and the Association will be used to illustrate the system, as we shall set it forth. The Individual Arbitration Contract binds the two parties to it to the terms of the International Arbitration Agreement and the Code of Procedure, and is underwritten by the Chairman of the Special Standing Committee of the Association and the President of the International Union involved. This contract prohibits strikes, boycotts and lockouts, guarantees continuous service, and provides that any differences arising between the union and proprietor, which cannot be adjusted by conciliation, must be submitted to arbitration under the Code of Procedure. Under this Code the order of procedure is, first, a resort to conference and conciliation, second, to local arbitration upon the arbitrable questions at issue, and in case these measures fail, finally, an appeal to the International Arbitration Board, as follows:

“LOCAL ARBITRATION

“The two parties in interest must have a conference as soon as possible and not later than thirty-five (35) days after an

issue is raised, at which conference (or continuations thereof) every effort to agree shall be made. The party upon whom the original demand is made should, if it contemplates presenting a counter proposition, formulate it in full and in detail as soon as possible after the receipt of the demand of the proponent party, the said counter proposition to be presented to the party making the original demand with as little delay as possible, and in any event within the same period of thirty-five (35) days. The propositions of both sides should be considered, discussed and earnest effort made to arrive at an agreement by conciliation. If no agreement is reached within sixty (60) days, after an issue is raised, upon the demand of either party the statements required by Section 5 of this Code shall be prepared and forwarded within five (5) days. If arbitration is decided upon, arbitration to be conducted on the sections of the propositions originally submitted which are approved for arbitration as provided in section 5 [the following paragraph] of this code.

"Upon failure to agree, each party shall prepare its statement, embracing the conditions that it seeks to establish. Each statement must be complete in itself, and copies thereof shall be forwarded to the Chairman of the Special Standing Committee of the American Newspaper Publishers' Association and the President of the International Typographical Union, accompanied by a letter of transmittal, to be signed jointly by the parties in interest, certifying that they are acquainted with the contents of both statements. The Chairman and President shall thereupon determine the questions or subjects which can be properly submitted to arbitration, and shall promptly notify by joint letters the interested parties of their decision. In case the two officials can not agree, their differences shall be submitted to the International Board of Arbitration.

"After the questions to be arbitrated have been determined, a local board of arbitration must be formed, composed of residents of the locality in which the controversy arises, two members thereof to be named by each side. The board as thus constituted shall select a secretary from among its members. The four members of the board shall then choose an additional member, who shall be a disinterested party and shall act as

chairman of the board. If the chairman of the local board shall not have been selected within thirty (30) days after the questions to be arbitrated have been determined, he shall be named by the Chairman of the Special Standing Committee of the American Newspaper Publishers' Association and the President of the International Typographical Union, or their proxies, upon the request of either of the interested parties. The two officials named, or their proxies, may for this purpose visit the locality if they deem it necessary. Any expense thus incurred shall be defrayed equally by the parties to the controversy. The chairman of the local board shall preside, put motions, etc., and shall be entitled to vote on all propositions which may properly come before the board in open session. He shall declare a motion carried only when at least three of the arbitrators shall have voted affirmatively thereon. At the conclusion of the hearing the chairman shall retire and the other members of the board shall go into executive session and immediately take up a consideration of the issues involved. If in executive session a tie vote occurs on any proposition, or if there are any differences, questions or propositions which do not receive the votes of three of the four original members of the board, the chairman shall be called in to cast the deciding votes on all unsettled questions or propositions.

"After the local board of arbitration has been organized it shall proceed forthwith to conduct its hearings under the following rules:

"1. It may demand duplicate typewritten statements of grievances.

"2. It may examine all parties involved in any differences referred to it for adjudication.

"3. It shall employ such stenographers, etc., as may be necessary to facilitate business and to provide a record for use in event of an appeal, said record to be properly paged and indexed.

"4. It may require affidavits on all disputed points.

"5. It shall have free access to all books and records bearing on points at issue.

"6. Equal opportunity shall be allowed for presentation of evidence and argument.

"7. In event of either party to the dispute refusing to appear or present its case after due notice, it may be adjudged in default, and decision shall then be rendered against such party.

"8. All evidence communicated to the board in confidence shall be preserved inviolate and no record of such evidence shall be kept, except for use on appeal, in which case such inviolability shall be preserved.

"9. The party making the original demand shall have the right to present its case and evidence without interruption, excepting that when oral evidence is introduced cross-examination of witnesses shall be allowed. The opposing party shall have the same right in turn. The first party shall then have the right to present evidence strictly in rebuttal and the opposing party shall be allowed to present counter evidence strictly in surrebuttal. Oral arguments may be limited to one speech on each side after all evidence has been presented. Said oral arguments to be made in the same order as above provided for the presentation of evidence. If objection is made by either party to the admission of any evidence offered by the other party, the board, by vote, shall decide as to the admissibility of the evidence in question. Written pleadings, instead of oral arguments, shall be allowed when agreed upon by the parties to the controversy, or when ordered by the local board of arbitration.

"10. In case of the inability of either side to present evidence at the moment, the order may be varied to the extent of allowing such evidence to be presented at such session as may be agreed upon by the parties to the controversy, or as may be ordered by the local board of arbitration. No evidence shall be received or considered that was not presented at a regular open session of the board, except that it shall be allowable for the members of the board, in any case, to visit any office in a body to see the operation of labor therein, or for any other necessary purpose, to aid in arriving at a just decision.

"11. There shall be an agreement by at least a majority of the members of the board as to the exact time and place of hearing, of which both parties shall be notified in season. The sessions shall be continuous, except for necessary intermissions, until the hearing is concluded.

"When a hearing is concluded the board shall, without unnecessary delay, and as set forth in section 6 [the third paragraph] of this code, go into executive session, from which all persons except the four original members of the board shall be excluded, for the determination of its award. In its deliberation the transcript of the stenographic report shall be accepted as the best evidence of what occurred at the hearing, unless it be shown that gross errors exist in said transcript. Should the four members be unable to decide upon the award, the Chairman shall be called in, as provided in section 6 of this code. The award of the board must be formulated and signed by all of the members thereof at a regular executive session, after there has been full opportunity for consideration and discussion, the date and time of such session having previously been determined at a full meeting of the local board. If any member of the local board dissents from the award and wishes to file a dissenting opinion, he shall give immediate notice to that effect, and shall within forty-eight (48) hours after the award has been decided upon, and before it has been promulgated, formulate his reasons for dissenting, and such opinion must be signed by him before final adjournment at a regular executive session, arranged for as above provided. Such dissenting opinion, when thus signed, must be attached to the award.

"The local board shall not be compelled to set forth its reasons for making the award, but may do so in the written award only. In framing its award the findings shall be expressed in detail, to the end that no misunderstanding shall afterward occur. An award of a local board shall be for at least one year, but a local board may provide that its award shall be effective for a longer period, not to exceed three years; provided there is no local agreement as to time.

"All expenses of a local arbitration board shall be divided equally between the union and the other interested party or parties.

" NATIONAL ARBITRATION

"When either party to a local arbitration shall desire to ap-

peal to the International Board, written notice to that effect must be given to the other party within five (5) days after the local decision has been rendered, and the appeal shall be filed with the International Board within thirty (30) days after such decision. When an appeal is under consideration by the International Board of Arbitration it shall not take evidence, but both parties to the controversy may appear personally or may submit the records and briefs of the local hearing and make oral or written arguments in support of their several contentions. They may submit an agreed statement of facts, or a transcript of testimony, properly certified to before a notary public by the stenographer taking the original evidence or depositions.

"The International Board of Arbitration must act when its services are desired by either party to an appeal as above, and shall proceed with all possible dispatch in rendering such services.

"So far as applicable, the rules of procedure governing local arbitration boards shall govern the International Board of Arbitration.

"Should either party to a local or international arbitration desire to make an allegation against the other as provided in Section 12 of the International Arbitration Agreement [in third paragraph in next quotation below], the complaint shall be prepared in writing and in quadruplicate. A copy thereof shall be delivered by registered mail to the Chairman of the Special Standing Committee of the American Newspaper Publishers' Association, to the President of the International Typographical Union, and to the party against whom the complaint is made.

"All awards of the International Board of Arbitration, excepting those made under Section 5 of the International Arbitration Agreement [which related to the interpretation of the Agreement or contract], shall be for at least one year, but the International Board of Arbitration may provide that its awards shall be effective for a longer period, not to exceed three years; provided there is no local agreement as to time.

"All expenses attendant upon the settlement of any case before the International Board of Arbitration shall be adjusted

in each case in accordance with the direction of the International Board of Arbitration.”⁵

Such are the main provisions in the Code of Procedure in the Agreement between the Association and the International Typographical Union. The agreements with the other international unions contain a few minor provisions that differ, but in the main the Code is the same. In the case of the International Photo Engravers' Union, there is a provision in the agreement that either party to a dispute, if an agreement has not been reached locally by conciliation in thirty (30) days, may demand local arbitration, unless the Chairman of the Special Standing Committee of the Association and the President of the International Union extend that time. The Agreement with the International Stereotypers' Union is identical in form to the above Agreement with the International Typographical Union, which expires on April 30, 1922.*

The International Board of Arbitration.—Furthermore, the International Arbitration Agreement with the International Typographical Union — which is practically the same as with the other unions — provides that,

“The International Board of Arbitration shall consist of three members of the Executive Council of the International Typographical Union and the three members of the Special Standing Committee of the American Newspaper Publishers' Association, or their proxies. This board shall meet at such time and place as may be determined by it. Due notice of time and place of meeting of the International Board shall be given all interested parties. If the board as thus constituted is unable, after considering a case at two meetings, to reach a decision, the membership of the board may be increased, by unanimous vote, by the addition of a seventh and disin-

* The 1921 Convention of the A. N. P. A. authorized the appointment of a committee to negotiate with the four printing-trades unions new arbitration agreements to take the place of those expiring April 30, 1922. [Associated Press reports.]

terested member, who shall act only on the matters that made his selection necessary, and who shall have the same standing as the other members, and shall act with them at the earliest possible date after his appointment.

"The award of the International Board of Arbitration in all cases shall include a determination of all the issues involved; it shall cover the full period between the raising of the issues and their final settlement; any change in the wage scale may be made effective from the date the issue first arose at the discretion of the board. An award by a majority of the International Board shall be final, and shall be accepted as such by the parties to the dispute.

"At the request of either party to an arbitration the International Board shall determine whether evasion, collusion or fraud has characterized either the local or international proceedings, or whether either party has failed to comply with, or refuses to fulfill its obligations under a decision, or has omitted to perform any duty prescribed therein, or has secured any unfair or fraudulent advantage, or has evaded any provision of this Agreement or any rule of the Code of Procedure, or is not acting in good faith. At the conclusion of such inquiry it shall be wholly within the power of the International Board to reject all that has been previously done and order a rehearing before the International Board, or before a new local board; or it may find against the offending party or annul the individual arbitration contract. In the event of either party to a dispute refusing to accept and comply with a decision of a local board which is not appealed, or with a decision of the International Board, or with any of the provisions of this International Arbitration Agreement, as determined by a decision of the International Board, all aid and support to the employer or the local union refusing acceptance and compliance shall be withdrawn by both parties to this Agreement. The acts of such recalcitrant employer or union shall be publicly disavowed and the aggrieved party shall be furnished by the other with an official document to that effect."⁵

"Subject to the conditions hereinbefore prescribed every member of the American Newspaper Publishers' Association

holding an Individual Arbitration Contract shall have the following guaranties:

“(a) He shall be protected against walk-outs, strikes or boycotts by the members of the union or unions with which he has contractual relation under this Agreement and against any other form of concerted interference by them with the usual and regular operation of any of his departments of labor.

“(b) In the event of a difference arising between a publisher having an Individual Arbitration Contract and any local union a party thereto, all work shall continue without interruption pending proceedings looking to conciliation or arbitration, either local or international, and the wages, hours or working conditions prevailing at the time the difference arises shall be preserved unchanged until a final decision of the matter at issue shall be reached.

“(c) All differences which can not be settled by conciliation shall be referred to arbitration in the manner stipulated in this Agreement.”⁵

Evolution.—Although the Association was organized in February, 1887, not until February, 1899, was this scheme of agreements and arbitration procedure brought before the Association in convention assembled. At that time, Mr. A. A. McCormick, then a prominent newspaper manager, submitted the idea to the Association. A committee was appointed to consider the matter, but after consideration, it referred the matter to the Board of Directors, which discussed the scheme, and then appointed a committee of seven to pass upon the conclusions reached by the previous bodies and report to the convention to be held in 1900. This committee reported in favor of the scheme and recommended that a standing committee be appointed to deal with labor matters. This committee was named, and it in turn selected a Labor Commissioner. However, the idea did not appeal strongly to the majority of the members of the Association, since they feared that the unions would not live up to the contracts involved. Discussion of the scheme caused a num-

ber of the members to believe that it might work, and the Association passed a resolution to the effect that an effort should be made to come to an agreement with the unions, but that it would be optional with the individual members of the Association to accept or reject for themselves whatever contract might be made. Nor did the unions accept the plan with much enthusiasm at first, although they showed a willingness to give the project a trial. The plan was put to a test almost immediately after its initiation, and worked fairly satisfactorily during the first year of its trial. The first contract was for a year only, but at its expiration, the agreement was renewed for a longer period of time and more of the newspaper proprietors were enlisted, although a large number still had strong objections to the plan. The Association would not then accept the scheme for the whole body, and so the plan had to be carried on by a portion of the members. For instance, the funds for the Special Standing Committee were raised by voluntary subscriptions among the proprietors enlisted.⁶ At present, the proprietor comes under the plan only by signing the Individual Arbitration Agreement with the local union or unions.

During the period of the first five-year agreement, from 1902 to 1907, a great deal of difficulty was encountered in securing local boards of arbitration satisfactory to both parties to disputes, and on several occasions the breaking point was nearly reached. Local unions in a number of instances declined to comply with the arbitration decisions, but were forced by the international officers of the union to conform. In one case discipline was carried as far as the cancellation of the charter of the local.⁷ Issues in Spokane and Seattle involved the international officers of the unions, and President Lynch was charged with gross violation of the arbitration contract. So serious was the situation that the Association was said to have been considering the raising of a defense fund to co-operate with the United Typothetæ of

America in a fight against the unions.⁸ This was the period when the Citizens' Industrial Association of America was most active in trying to cause all the employers' associations in the United States to become belligerent. But, in spite of this, the A. N. P. A. remained negotiatory, and at the expiration of the agreement, renewed it for another five years. The new agreement provided for a Code of Procedure, a local board of four men — two chosen by each side — in every locality, and a national board of six men — the three members of the Special Standing Committee of the Association and three from the executive council of the international union. Arbitration by the local boards was largely a failure as practically every case was appealed to the International Board for final decision. In 1911, this defect was eliminated by an amendment providing for a local board of five men. The International Board still had difficulty in reaching decisions until, in 1912, the new agreement provided for the addition of a seventh man if the original six members could not reach a decision in two successive meetings.⁹

The publishers are not wholly satisfied with the present agreement. They dislike very much the provision that exempts the so-called laws of the unions from arbitration, a situation which gives those laws a standing they would not otherwise have.¹⁰ The present provision states that "the laws of the International Typographical Union in effect January, 1916, shall not be subject to the provisions of the arbitration agreement."⁵ That some of these laws are open to criticism from the standpoint of the employer is shown by the attack of the National Association of Manufacturers upon, for instance, the rule of the International Typographical Union in regard to the use of matrices of local matter by a group of newspapers. The rule requires each newspaper to set up the type for all local matter used in the newspaper, although much of the matter, especially adver-

tisements, is printed from matrices supplied by one of the newspapers which had the type set and the matrices made. Thus, in a great number of shops of the newspapers of the country, a number of employees are doing useless and unprofitable work for the employer, in setting up and distributing matter that is never used.¹¹ Other objections made are that the unions require the foreman to be a union man, that the rule of priority prevents the rapid promotion of the most efficient workmen, and that the employer has not the free right to discharge workmen.¹² In addition there have been strikes, for example, of the pressmen and stereotypers on the Chicago newspapers in 1912, and a strike in New Orleans in 1915, in which the Open Shop Division of the U. T. A. became involved.¹³ A number of the publishers have not yet accepted the Arbitration Agreements between the Association and the unions.¹⁴

As to the local agreements, the Special Standing Committee does not attempt to fix the terms, and so these are variable.

Mr. Kellogg, Chairman of the Special Standing Committee, thus states how the arrangement works:

"We have always encouraged and, in fact, urged settlements by conciliation. The first steps under our arbitration contracts provide for meetings for conciliation. All efforts that can possibly be made to reach an agreement without arbitration are supposed to be made and usually are made, because, as a general thing, neither side wishes to go into arbitration. Our arbitration proceedings are conducted without any legal formality; in fact, we have barred lawyers from participation in these proceedings. The lawyer's profession necessarily results in his desiring to create contention. The arbitration contracts are for the purpose of promoting harmony. An arbitration was held in San Francisco in which attorneys took part on both sides. The local board disagreed, the case was referred to the National Board and it met at Indianapolis. The attorneys came on from San Francisco to present the cases of their clients,

and the National Board after consideration, refused to hear the gentlemen, sent them back to San Francisco and ordered a rehearing of the case without attorneys."¹⁵

Present Agreements Not Wholly Satisfactory.—The agreements between the Association and the unions, the Association believes, are far from ideal, but the situation in the newspaper business is such that the public demand for promptness and regularity of the issue of the newspaper, gives the unions the strategic position. So the employers have struggled along in an effort to get as nearly satisfactory a contract as possible.¹⁶ The proprietors have felt that it is better to deal with the unions by conceding the closed shop than to attempt to meet sudden demands and strikes. Although the closed-shop provision of the contract is unenforceable at law, the proprietors live up to it,¹⁷ and the unions would hardly resort to law to enforce that or any other clause of an agreement. The proprietors who do not live up to the contract are usually disciplined by the union.¹⁸ In case the local union fails to abide by a contract or an arbitration decision, it is the duty of the international officers to force compliance. They may furnish men to break the strike, deprive the men of their union cards, or revoke the charter of the union, or do all three.¹⁹

Field Service.—At the 1921 convention of the A. N. P. A. it was decided to increase the funds of the Special Standing Committee. The Committee was authorized to employ a field man to go to localities needing him to assist the publishers in negotiations and arbitration. Newspapers who utilize his services are required to pay his expenses from the time of his leaving Indianapolis until his return, and to pay in addition a fee based on the circulation of the largest newspaper in the city involved. The field man, when in Indianapolis, assists the Chairman of the Special Standing Committee.³³

Other Labor Activities.—In recent years, the A. N. P. A. has adopted a number of resolutions relating to labor

matters. In 1920 and again in 1921, it expressed its opposition to the demand of the unions in the printing trades for the forty-four-hour week.²⁰ In 1921, it endorsed the efforts of its members who were endeavoring to maintain the forty-eight-hour week and pledged them its co-operation and support.²¹ In 1920 and 1921, it adopted a resolution condemning the clauses in trade agreements that provided that labor unions might fix the price below which the manufacturer might not sell the articles he produced.²²

The A. N. P. A. at its 1920 convention, according to a Prospectus of the Georgia-Alabama Business College, Typesetting Department, "unanimously decided to subscribe enough money to buy 100 machines and all necessary equipment for the school, to authorize the construction of suitable buildings and provide a maintenance fund of \$50,000 a year, uniting with the Southern Newspaper Publishers in the effort to make the school in every way representative of the dignity and importance of the publishing business in America."

Such is the general character of the activities of the Association in the labor field, although its stated objects and purposes do not specifically provide for labor matters. Let us now turn our attention to the organic structure of the Association in order better to understand how it functions.

The Association and Its Government.—The American Newspaper Publishers' Association was organized in February, 1887, incorporated as a business corporation in 1897, and reincorporated as a membership corporation in New York in 1913. It is governed by a board of twelve directors, composed of newspaper publishers elected by the members at the annual meetings, four of whom are the President, the Vice-President, the Secretary, and the Treasurer, chosen for one year, and eight others with terms of two years each.²³

The Board of Directors has power to elect a manager (who performs such duties as it designates), to remove officers of

the Association for cause, to employ and discharge agents, to fix the compensation of its officers and agents, to suspend or expel members, to make contracts and to expend funds of the Association as authorized, to make such rules and regulations as it deems necessary for the conduct of the business and affairs of the Association, and in general, to do all that it regards as essential to the best interests of the Association so long as such acts are not contrary to the organization's fundamental laws. The Board has the power to delegate, from time to time, any of its powers that may under the laws of the Association be delegated, to any committee, officer or agent, to act for and in place of the Board, when it is not in session, or for special purposes. The powers so delegated must be designated in the resolution of appointment.²⁴ Beside the Special Standing Committee, the Association has other committees from time to time. "Its work is largely done through committees and as exigencies arise new committees are appointed to labor for the common interest. Through these committees the constitutionality of various laws inimical to the interests of newspapers has been tested, news-print committees have been active for years, amicable relations have been maintained with the labor unions, favorable copyright legislation has been enacted, and much work has been done along practically every line tending toward the welfare of newspapers generally."²⁵

Dues.— The Association raises its funds by means of initiation fees, dues and assessments. For active members the initiation fee is \$75, and for associate members, \$30. "The active members pay annually dues of \$75 and \$1.00 per month for each type-setting or type-casting machine or other mechanical compositors owned or operated, or the product of which is used by the member publisher, and the associates pay \$30 per year. One-third of the dues of active and associate members is to be paid every four months."²⁶ Assessments may be authorized by the vote of

the active members. In addition to providing funds to meet the balance of expenses not covered by initiation fees and annual dues, such assessments may be used to form an emergency fund. Additional charges for special services may be fixed by the Board to be paid by the member receiving such service.²⁷

Bulletins are issued both by the general office and by the Chairman of the Special Standing Committee.²⁸ The information contained therein is for the sole use of the members of the Association. The Chairman, Mr. Kellogg, writes thus of the work of the Special Standing Committee: "A considerable portion of our work here, and the bulletins which are issued weekly, are confidential."²⁹

Interrelations.—The American Newspaper Publishers' Association and the National Civic Federation have friendly relations, but the former and the National Association of Manufacturers have different viewpoints on industrial relations. The American Newspaper Publishers' Association and the National Civic Federation believe that the way to secure industrial peace is through the trade agreement,³⁰ but from this the National Association of Manufacturers strongly dissents, for it publishes and distributes a pamphlet, "Throttling the Nation's Press," which is designed to arouse public sentiment against all the unions in the printing industry and mainly against the typographical union.¹⁴ The United Typothetæ of America, also has tried, for instance, in 1904, to make the American Newspaper Publishers' Association become a belligerent organization.³¹ The situation here has been similar to that which exists in the case of the Stove Founders' National Defense Association and the National Founders' Association, although the United Typothetæ of America lacks much of the belligerency of the National Founders' Association.

The Association is related to other associations, especially local ones through officers and members. For instance, the

members of this Association in Chicago have a local newspaper-publishers' association, as is generally the case in the larger cities. Again, a member of the Board of Directors is connected with the *Los Angeles Times*, which is noted for its belligerency toward unionism.³² So it is apparent that the interrelations of the Association are rather diverse, although not so numerous as those of belligerent associations.

REFERENCES

- ¹ O(29)'20 Letter from the Association; see also Proceedings of the Twelfth Annual Meeting, National Civic Federation, 1912, p. 43, (Abv. '12 N C F); Ap(14)'15 Letter. ² By-Laws, American Newspaper Publishers' Association, 2, (Abv. **By-Laws**). ³ American Newspaper Publishers' Association, Its Work and Purposes, 5-6, (Abv. **Its Work**). ⁴ Agreements themselves. ⁵ International Arbitration Agreement between the American Newspaper Publishers' Association and the International Typographical Union; see also other Agreements. ⁶ '12 N C F 45-47. ⁷ '12 N C F 47. ⁸ Proceedings of the . . . Annual Convention of the United Typothetæ of America, 1904, pp. 44-45, (Abv. '04 **U T A**). ⁹ '12 N C F 47-49; also Agreements. ¹⁰ '12 N C F 49-50. ¹¹ Throttling a Nation's Press; The Whole Truth About the Closed Shop Press. ¹² '12 N C F 50-51. ¹³ '15 U T A 203-228; interviews; Ap (28) '21 *New York Times* 5. ¹⁴ '12 N C F 49-52; Synopsis of Proceedings, Twenty-Second Annual Convention, National Metal Trades Association, p. 34; The Whole Truth About the Closed Shop Press. ¹⁵ '12 N C F 52-53. ¹⁶ '12 N C F 53. ¹⁷ '12 N C F 44. ¹⁸ '12 N C F 51-52. ¹⁹ '12 N C F 51. ²⁰ Officers' Reports, International Photo-Engravers' Union and Convention Proceedings, 21st Annual Convention . . . 1920, pp. 27-28, (Abv. '20 **I P E U**); Associated Press Reports, April 27-30, 1921. ²¹ Associated Press Reports. ²² '20 I P E U 50-52; Associated Press Reports. ²³ Its Work 1; By-Laws 7-8. ²⁴ By-Laws 8-11. ²⁵ O(29)'20 Letter; see also Its Work 1-2. ²⁶ O(29)'20 Letter. ²⁷ By-Laws 13-14. ²⁸ By-Laws 15. ²⁹ Ap(14)'15 Letter. ³⁰ '12 N C F 53. ³¹ '04 U T A 44-45. ³² Its Work 2; see also Proceedings of the Second Annual Convention of the Citizens' Industrial Association of America, pp. 93-96. ³³ S(8)'21 Letter.

CHAPTER IX

THE UNITED TYPOTHETÆ OF AMERICA

Membership.— The United Typothetæ * of America has [1921] a membership of about 5,000 concerns, that is as individual members and members of affiliated locals.¹ Membership in this Association extends to proprietors in the printing and allied trades, and consists largely of local organizations in which the great majority are employing printers, and of individual proprietors, firms and corporations where no such local exists. Active membership in a local affiliated organization carries with it membership in the Association itself. No officer of a labor organization may be a member of this Association.²

This Association, like the American Newspaper Publishers' Association has activities in other fields than that of labor matters, in fact, in recent years, it has expanded greatly in the commercial field to the neglect of labor matters. The direct and immediate labor activities of the Association are now largely performed by an Open Shop Division and a Closed Shop Division of the main organiza-

* "The word 'typothetæ' signifies type-placers, and is from the Greek. Its correct pronunciation is a mooted question. Most of the members of the societies now existing pronounce it ty-poth-e-te, the emphasis being on the second syllable, but some Greek scholars claim [contend] that it should be pronounced ty-po-the-te, accent being on the penultimate or next to the last syllable. The word was first applied in the United States to the New York society, which was organized in March, 1865 [? or 1862?]" [S '14 Bul U T A 9-10] "This name, it is said, was formerly applied by the Emperor Frederick Third of Germany to the printers of that country," in 1470. [11 U T A 95.]

tion. These Divisions were, at the time of their creation, supposed to be generally independent of the main body in strictly labor matters; later they were placed under the supervision of the main governing bodies of the Association; but in 1920 they were given "complete autonomy." There are, however, a number of activities that relate directly to the labor problem that are still carried on by the main organization, especially by the Department of Industrial Relations. This Department is a more recent development than the Divisions, and its growth seems to indicate that the Association proper cannot entirely divorce itself from labor matters. The establishment of the two Divisions with conflicting policies has, as one might expect, made the United Typothetæ of America "a house divided against itself," in labor matters. Association officials contend that the organization is not an employers' association: "The United Typothetæ of America as it exists today is essentially an educational institution devoted to the advancement of the printing industry along business lines," says a letter of criticism from these officials. "It has nothing to do with the carrying out of labor policies.* That is left to subsidiary

* This letter says further on this point that, "The main organization was not carrying on any activities, [presumably during the year 1920] which relate to the labor problem that we know of, except through the Industrial Relations Department — which was established to collect and disseminate reliable statistics and data on industrial relations subjects—even before the change in the constitution at St. Louis, [which gave the Divisions "complete autonomy"] unless one considers the resolutions on the 44-hour week passed by the U. T. A. as a whole, as labor activities. These resolutions were, as a matter of fact, passed to counteract union propaganda to the effect that the United Typothetæ as a whole, instead of the Closed Shop Division, was taking a stand on a labor proposition." Of course, the activities of the Department of Industrial Relations alone are sufficient to justify the classification of the organization as an employers' association, to say nothing of the Open Shop and Closed Shop Divisions with their "complete autonomy," and the adoption of a resolution of opposition to a 44-hour week, and another resolution recommending strike insurance to U. T. A. members!

organizations, each with complete autonomy, known as the Open Shop and the Closed Shop Division.”³ The fact is, the Association has varied in its labor functions, so much so that a discussion of them in relation to the time of their performance and to the non-labor functions of the organization is necessary to an insight into the character of the Association and its place in the conflict. We shall, accordingly, be concerned with the non-labor activities only when they help us to understand the evolution of the labor activities.

Structure and Government.—The main governmental machinery of the United Typothetæ consists of the regular officers, an Executive Committee, an Executive Council, committees chosen for special or various purposes as the need arises, and delegates to the annual or special conventions. The regular officers are a President, a First Vice-President, three other Vice-Presidents, and a Treasurer. These are elected by the convention adopting the report of a Nominating Committee — appointed by the President — and by instructing the Secretary to cast the ballot of the convention for the officers, so nominated. The Executive Committee is made up of all the regular officers, the Chairmen of the Divisions, and of 20 additional members chosen one each from the 20 districts and elected in the same manner as the regular officers. The Executive Committee chooses its own chairman, and from its members selects five other persons to serve with the President, the First Vice-President and the Treasurer as the Executive Council. There is also an Advisory Board, which is composed of past presidents of the Association. The various committees perform tasks assigned to them and the convention acts on the reports and suggestions of these committees and of the regular officers. However the greater amount of executive work of the organization is performed by the Secretary, who is chosen by the Executive Committee.⁴

The annual dues are based on the annual "mechanical" payroll. The regular assessment on each individual member, whether connected with a local or not, is quarterly one-half of one per cent of the average quarterly payroll, or a total of two per cent annually. The maximum annual dues for any individual member shall not exceed \$150, nor the minimum be less than \$18. Extra assessments may be levied by a three-fourths vote of the Executive Committee to an amount not to exceed the regular dues for one month. The initiation fee is \$5.⁵ It requires approximately \$40,000 a month to operate the Association.⁶

Objects.—Of its many objects today, those relating to labor are:

"Sec. 6. To maintain labor bureaus for the purpose of furnishing members with employees of whatever nature they may require, and to collect and tabulate data concerning labor conditions throughout the country for the information of the membership. . . .

"Sec. 8. To create legislative committees, both local and international, for the purpose of watching, promoting and furthering the legitimate interests of the industry."⁷

Declaration of Policy.—Although it has been claimed for some time that "the United Typothetæ of America takes no stand whatever as to the kind of shop, so far as labor is concerned, its members shall run,"⁸ the Declaration of Policy which was adopted in the war-like days of 1903, retained its "open-shop" and anti-union-label clauses until the latter part of 1920.⁹ At the time the Declaration was promulgated, September 23, 1903, it was intended to be "merely a statement of the general wishes of the employing printers as associated in the U. T. A.," and "not legislation binding upon the individual members."¹⁰ But at the 1904 convention a resolution was passed endorsing the Declaration as the policy of the Association.¹¹ The Declaration was amended in 1908, and in 1920, and now reads as follows:

“DECLARATION OF THE POLICY OF THE UNITED
TYPOTHETÆ OF AMERICA

“The purpose of this Declaration of Policy is to explain to its members the position of this Association upon the several subjects treated.

“I. This Association recognizes the right of its members to conduct ‘Open’ or ‘Union’ or ‘Non-Union’ offices, employing whomsoever they may deem fit in their respective establishments.

“II. This Association recognizes the right of its members to sell or to purchase from whomsoever they may see fit without prejudice. It being understood that the laws of supply and demand, and of credit, should govern transactions of buying and selling.

“III. This Association aims to secure uniform action of its members and of the Local Typothetæ upon subjects of common interest, and favors united and uniform action to resist any unwarranted or unjustifiable encroachments upon the rights of its members.

“IV. This Association leaves to each Local Typothetæ the settlement of all questions relating to its own membership, subject to the provisions of the Constitution and By-Laws of this Association.

“V. This Association is opposed to any agreement between its members and other organizations for the control of trade or membership.

“VI. This Association advocates the use of its emblem and the imprints of its individual members on their product, wherever feasible.

“VII. This Association urges that its members acquire an accurate knowledge of the complete cost of operation of every department of their plants, through the constant study and use of the U. T. A. Standard Cost Finding and Accounting Systems, that estimates may be made intelligently and with fairness to the customer, and to themselves.

“VIII. This Association urges the study of its various educational courses and the hearty support of approved Techni-

cal Schools devoted to the training of young men for positions of usefulness and responsibility in the industry, that the standards of the printing business and the proficiency of the workmen therein may be maintained on a high level.”¹²

The amendments of 1920 struck out or changed the following provisions in the Declaration :

“. . . and it [the Declaration] is made, not with the view of antagonizing the cause of labor, but for the purpose of protecting and safeguarding the interests of the membership of this Association.”

“This Association maintains the right of every member to conduct an ‘open’ office, employing whomsoever such member may choose, with due regard to existing contracts.”

“. . . and [this Association] invites united and uniform action to resist any unwarranted or unjustifiable encroachments of labor organizations upon the rights of employers.”

“Local Typothetæ and individual members shall be at liberty to make contracts with local unions, provided such contracts conform to the spirit of this declaration of policy and are approved by the Executive Officers of the National Organization before they are executed.”

“ This Association is opposed to any agreement between Local Typothetæ, or individual members thereof, and employees’ unions for the control of trade or membership.”

“ This Association deprecates the use of the Union Label, and requests Local Typothetæ to urge their membership to refuse the use of said Union Label.”

“This Association aims to advance the art of printing through the use and encouragement of Technical Schools devoted to the discovery and training of such young men as are desirous of acquiring proficiency in the trade.”¹³

The amendments of 1908 struck out the following provisions from the original Declaration :

“The United Typothetæ of America, therefore requests that when a demand is made by a labor union upon a Local Ty-

pothetæ, such local body should communicate with the National Secretary before conference is had in regard thereto."

"The United Typothetæ of America is opposed to any reduction of the working time to less than fifty-four hours per week for day work. The Local Typothetæ are urged not to enter into any contract whatever, except upon the lines laid down in sample contracts prepared by the U. T. A., and all contracts should, before execution, be submitted to the National Organization for approval."¹⁴

The provisions struck out or changed show clearly the evolution in the attitude of the Association on the point which called the body into being, namely the demand for a shorter workday, as well as its decline in dealing directly and successfully with labor disputes.

Evolution; Struggle Over the Nine-Hour Day.—The United Typothetæ of America, as it was known until in 1913, and as it has been known since 1917, (during that time it was called the United Typothetæ and Franklin Clubs of America) was organized in October, 1887, largely through the efforts of the Chicago Typothetæ, which had not yet been organized one year. Such organizations were then not wholly new, as there is record of the formation of the New York Typothetæ, as early as 1862,¹⁵ but the number of trade organizations at that time was small. When the United Typothetæ was organized, it was believed that such an organization of master printers was necessary, because the employers had hitherto been poorly organized, while their employees were acting as a unit in practically all branches of the business.¹⁶ The occasion for the organization of the Chicago Typothetæ was the demand of the Typographical Union for the nine-hour day; and this demand and the efforts of the Chicago Typothetæ led directly to the formation of the United Typothetæ,¹⁷ for the employing printers then regarded the demand for a nine-hour day as very unreasonable.¹⁸ There was one other purpose that led

to its organization, and that now seems to be its dominant motive: "The United Typothetæ believes in killing jealousy between competitors by making competition fair."¹⁹ In other words, "The United Typothetæ is not a militant organization at all times; fundamentally, its business is to develop a community of interests and a fraternal spirit among . . . [the employing printers] for the purpose of exchanging information and assisting each other when necessary."²⁰ In fact, one of its historians characterizes as entirely erroneous the assertion that "the Typothetæ was originally formed to attack organizations of working-men and to destroy them."²¹ However, "If the International Typographical Union had not thought they wanted a nine-hour day — or an eight-hour day — in 1887, the United Typothetæ of America would probably not have come into existence."²² So says J. Stearns Cushing, one of the most important members of the Association.

Struggle Over the Eight-Hour Day.—From 1887 to 1898, the U. T. A. successfully opposed the efforts of the International Typographical Union to shorten the workday nationally, but in 1898, the master printers were forced to grant the nine-hour day. The Union however, continued its agitation for eight-hour day.²³ In 1904, the United Typothetæ strongly opposed the adoption of the eight-hour day, on the ground that "to do so would be calamitous to the printing interest,"²⁴ and the Executive Committee advised Typothetæ members to resist to the utmost any attempts to enforce its adoption. This Committee held that the length of the workday was a national and not a local question, and that a concession of the nine-hour day had been made by the employing printers only five years before at the Syracuse conference of 1898 and the time was too soon for another reduction.²⁴ The Executive Committee sent out circular letters and inquiry blanks to each of the 618 cities reported to have local typographical unions — two or three blanks to

each city — and informed the master printers that the United Typothetæ was opposed to any further reduction in the hours of work per week below 54 hours, and asked for information as to the agitation for the shorter day by the unions, or the demands for such, and the attitude of the employing printers in the city towards the eight-hour day. The replies stated that practically only the newspapers had granted the shorter day in the few cases where it had been granted, and that the great majority of the master printers regarded it as not feasible and would resist its adoption. The United Typothetæ in the convention of that year, 1904, went into executive session and adopted unanimously resolutions opposed to any reduction of the 54-hour week and pledged itself to resist any attempt of the International Typographical Union to reduce the hours of labor below those then prevailing.²⁵ Similar action was taken at the convention of 1905.²⁶ In the latter part of 1905 and the first part of 1906, the Union and the Association came into sharp conflict all over the country in a series of strikes that amounted to one great strike. Aided by other associations, the United Typothetæ temporarily defeated the Union in its attempt to secure the 48-hour week in the book and job printing offices, although many newspapers granted the demand. It is said that the attempt to force the eight-hour day on the employing printers cost the Union over two millions of dollars, and days and months of privation to its members.²⁷ Many members of the Typothetæ sustained severe losses. However, the Union slowly gained shop after shop in the eight-hour contest, until in 1909, the United Typothetæ conceded the eight-hour day.²⁸ The contest thus ended in the defeat of the U. T. A.

Struggle Over the Forty-Four-Hour Week.— In 1919, a struggle over the forty-four-hour week began. During that year, the Closed Shop Division granted the forty-four-hour week — to begin May 1, 1921 — to the unions with

which it dealt, but the Open Shop Division opposed such a reduction in working hours. The main body stated emphatically during the year that it had taken no favorable action on the matter, and denounced as false all statements that it had done so. It called attention to the fact that it had disapproved, at the annual convention in 1919, of any shortening of the work week. In 1920, in order to make clear its stand, the main body went on record by adopting, by over a three-to-one vote, a resolution which states "unequivocally its disapproval of any reduction in the present working hours, and recommends to its members that they resist any attempt to enforce such a reduction except where such reduction has already been agreed to by contract." The Closed Shop Division, at the same convention, fearing "a serious deflection from the ranks" of the Division,* because of its grant of the shorter work week and the opposing stand of the U. T. A., adopted a resolution declaring its "belief that production should be maintained at its maximum," and urging the International Joint Conference Council to give special consideration to the problems of maintaining maximum production. Furthermore, this Division has, more recently pointed out to its members that the agreement to grant a forty-four-hour week does not carry with it any obligation to give forty-eight hours' pay for forty-four hours' work.²⁹ *The Typothetae Bulletin* has published statements and resolutions to show that employers in the printing and allied

* That its fears were not absurd has been shown by its decline in members,—in September, 1920, it had approximately 1500 members, [’20 U T A 1] but in March, 1921, it had only 516 members, of which 473 were in the cities of Chicago and New York. [Mr ’21 Bul 4.] At a special meeting on April 1, 1921, the Closed Shop Division unanimously adopted a resolution "insistently requesting" the printing-trades unions to withdraw their demand for the 44-hour week. This resolution was submitted to the labor group on the International Joint Conference Council, only to be rejected. [Ap ’21 Bul 8.] Apparently, the unions regarded the move as a show of weakness on the part of the Closed Shop Division.

trades are strongly opposed to the forty-four-hour week.* The U. T. A., beyond passing resolutions and publishing statements and resolutions by other organizations in opposition to the forty-four-hour week, left the fight to other organizations.† The failures of the U. T. A. in previous contests undoubtedly were a cause of its change of functions.

Belligerency Towards the Closed Shop.—As early as 1900 an open-shop resolution was adopted by the United Typothetæ, and in 1904, its belligerency towards the closed shop was unmistakable. Although the strikes and labor disturbances of the period ending with 1886 were potent factors leading to the organization of the United Typothetæ, since they made the master printers fear union demands,³⁰ there were more strikes in the first six months of 1904 and of a more severe nature than there had been previously in the history of the printing industry in America.

* See, for instance, D '20, pp. 11-12; Ja '21, pp. 21-22; F '21, pp. 22-24; Mr '21 pp. 4, 6; Ap '21, pp. 8-9.

† District Typothetæ have been formed to oppose the establishment of the 44-hour week, and "The National Forty-Eight Hour League was organized at Cincinnati, Ohio, March 30, 1921, . . . to oppose 'the introduction of the 44-hour week on May 1, 1921, or at any time thereafter.'" [Mr '21 Bul 4-6, 8, 20.] This league was formed largely through the efforts of the officers of the Employing Printers of America. The League is clearly belligerent. It has local labor bureaus in operation to supply men, and has enlisted the support of the leading buyers of printing. [Ap(25)'21 Bulletin, Employing Printers of America. After a six months' fight with the unions in the printing trades: the League defeated the unions quite generally throughout the United States. Shops in great numbers were placed on the open-shop or nonunion basis. The establishment of the Chairman of the Closed Shop Division was also lost to the unions during the fight. Even the U. T. A. showed signs that it might take on new vigor in labor matters since its Executive Committee considered a change in its labor policy. [Au (6)'21 Bul E P O E; S(6)'21 Letter from League; J1 '21 Bul U T A 13; Au '21 Bul 5. 33.]

The Association had come to favor the open shop, but about half of its members then operated strictly union shops.³¹ However, the decision of the court in the famous Kellogg Switch Board Co. case, declaring that closed shop contracts were void on the ground that they tended to create a monopoly, helped to give the employing printers courage to make a vigorous fight for the open shop.³² * After hearing a strong address on "What the Employing Printer Owes to the Nonunion Workmen,"³³ the Association at its 1904 convention unanimously adopted a resolution as follows:

"Resolved, that the members of the United Typothetae, in convention assembled, do hereby declare their belief that what is known as the 'open shop' represents to the highest degree the principles that should govern the relation between employers and employees, and as true American citizens, conscious of their duty to deal fairly with all men, do by this act pledge themselves to each other and to their employees that when their respective plants become operative under 'open shop' principles they will refuse work to no man on account of his membership or non-membership in any organization that concedes the establishment of the open shop."³⁴

Mr. Nunemacher in an address immediately following the adoption of this resolution, which he had introduced, made the significant statement, "*The Open Shop means the destruction of the union — unless the unions concede it!*"³⁵

* The Department of Industrial Relations of the United Typothetae of America has contended that the above statement is inaccurate because, "The very first U. T. A. convention passed a motion that the 'sense of the convention' was against the closed shop." In the same Memorandum, however, this Department says that "the organization was founded by a group consisting almost entirely of closed shop men, but was joined by open shop men to such an extent that within a few years it was predominantly open shop, and actually in 1904 ruled out any closed shop members by Section V of its Declaration of Principles. By 1908, Section V had been amended to permit membership of closed shop men." [Memoranda, Department of Industrial Relations, U. T. A., January 5, 1921]

At the conclusion of his powerful address urging all employers to stand for the open shop, he said, "*It will cost us money, it will cost us work, it may cost us lives, but what are money and work and life if we have not liberty!*"³⁶ And the convention was unanimous in voting him thanks for his address. But the promise and the threat failed to convert the Union, and a bitter fight resulted. The employing printers were largely successful and in 1908 the Secretary of the Association reported that a majority of the Typothetæ members were maintaining the open shop, and that there were 96 cities in which the open shop was prevalent in practically every department in the shops of the members.³⁷ The Association had an Open Shop Division conducted by the regular officers of the national body before it had a closed Shop Division.³⁸

War Upon the Union Label.— This campaign against the closed shop had its counterpart in a war upon the union label. The convention of 1898 adopted resolutions of opposition to the use of the union label, and authorized the expenditure of money in testing the legality before the courts of ordinances requiring the union label on municipal documents.³⁹ During the next ten years the fight on the union label widened.⁴⁰ Ordinances in various cities requiring the union label on all public documents were repealed wherever a local typothetæ was powerful, and the union was defeated in several cases where it attempted to have laws enacted to make the use of the union label compulsory, for example, on school text books. In a number of cities, employing printers discarded the union label.⁴¹ But a considerable number of the employing printers had not discarded it, and the Chairman of the Executive Committee and others urged upon the employers in convention, in terms that brought the responsibility home to them, that they should not use the union label in any case; resolutions have repeat-

edly been adopted by the Association to this effect.⁴² Other associations were urged to oppose the use of the union label.⁴³ Opinions and decisions cited in union-label cases were compiled in the office of the Secretary of the Association in 1903.⁴⁴ A new and enlarged edition of this compilation was issued in 1906, in pamphlet form, entitled, "The Union Label, Its Requirement Upon Public Printing Illegal as Class Legislation, and Therefore Unconstitutional."⁴⁵ This contained court decisions, petitions against laws requiring the union label on public printing, arguments against the use of the label in general, and opinions from the daily press with expressions adverse to the campaign of the unions for the label. It was argued that the union label does not guarantee sanitary working conditions in the shops,⁴⁶ that "it does not mean the distinction between sweat shop and decent conditions," but that "the union label is now denied to the very best houses in the trade, and consequently the union label as a general thing means slop shop work,"⁴⁷ and that, among other things, it is "nothing more or less than a form of blackmail levied upon unthinking employers, compelling them not only to pay tribute to the treasury of the union by the purchase of these labels, but to sustain one of the most atrocious systems ever invented."⁴⁸ Candidates for public office were accused of attempting to bribe the unions by the use of the union label upon campaign literature, and this tended to reduce the use of the union label.⁴⁹ The convention of 1908 voted to distribute to the various typothetæ the data concerning the means employed in Louisville, Ky., in the campaign there against the union label. That campaign brought continual pressure by those opposed to the union label upon any one who used it. This was done by a system of letters and personal interviews combined in a follow-up system.⁵⁰ That plan was very successful in Louisville, but seems not to have

been taken up vigorously elsewhere. After 1908, the national organization weakened in this activity, and soon gave it up. From 1912-1917, the fight was left rather to the local typothetæ and the Open Shop Division, for the locals then reported to the Division on the matter. Since the action of the main body caused the members of the Open Shop Division to resign in 1917 as a unit from that Division, it may be said that the U. T. A. has practically surrendered to the unions in the matter, especially in the light of its action in 1920 in eliminating from its Declaration of Policy the section deprecating the use of the union label. The newly revived Open Shop Division may be expected, as a matter of course, to oppose the use of the union label.⁵¹

The Working Card.—An attack upon the unions from another quarter was begun in 1906, by the issue of a United Typothetæ Working Card, but little was done until 1908.⁵² This card was brought forward to take the place of the working card of the Typographical Union. Members of the Typothetæ were requested to issue these cards when called for by those who were regarded by the employers as competent and worthy employees. These cards were designed to introduce the holder into open offices and make easier the investigation of references.⁵³ It was then thought that these cards would do much to overcome the advantages of the Union Traveling Card, since it was believed that workmen seeking employment in other offices or cities than those where they were formerly employed would value such cards highly because of the greater prospects of employment in typothetæ offices through the possession of the Typothetæ Working Card.⁵⁴ The 1908 convention passed a resolution favoring the extension of the system of Working Cards,⁵⁵ but eighteen months after the trial of the cards had actually begun, a speaker at the 1909 convention complained to the employing printers that the returns from the effort had been very slight and that only a few cards had been issued. Mem-

bers were urged to support the system,⁵⁶ but that convention took no action on the matter.⁵⁷ In order to prevent impostors, the cards had to be issued with care, and workmen did not take enthusiastically to the scheme, so it was abandoned.

Closely related to the system of the Working Card were the Bureau of Information and the Labor Bureau of the Typothetæ, which with the fight on the union label, and labor-betterment activities, formed the parts of an extensive campaign against the unions.

The National Bureau of Information was intended to serve as the clearing house for labor information for the entire printing industry on such points as wages, hours of labor, number of employees, whether union or nonunion, number of apprentices and the methods of their training, and the means by which apprentices were secured. This Bureau of Information was to supplement the local labor bureaus, and in turn draw upon them for information and other assistance. The Executive Committee of the Association needed such information as the Bureau of Information could furnish; and the individual employer as well as the local typothetæ made frequent requests upon the national office for data concerning wages, hours of labor, etc. in other communities.⁵⁸ Accordingly the Bureau was organized by resolution of the Association in 1904 and was placed under the control of the Secretary of the Association and two members of the Executive Committee. Both local typothetæ and individual employers were called upon for information on their localities, and this was compiled and published for the benefit of the members in general.⁵⁹ Reports from local typothetæ had in the past furnished partial information, and statistics as to wages had also been compiled and published, but the information was far from being complete.⁶⁰ Members and the local typothetæ had not been prompt in sending in answers to the queries

of the central office; and in many cases the questions had to be asked several times, with the final result in some cases of unsatisfactory answers or none at all.⁶¹ After the establishment of the Bureau, the information desired was obtained in a more complete form. For example, in 1909, statistics on wages for each of the various classes of workmen in the printing plants, and the hours worked a week, were gathered and published in the printed proceedings of that convention.⁶² For several years, little of this work, if any, seems to have been done. Recently, however, this bureau has been revived under another name and enlarged.⁶³

Department of Industrial Relations.—In April 1919, the Executive Committee organized the Bureau of Industrial Relations. This Bureau, or Department, while operating in a scientific manner, has been founded, it would seem, on the assumption of collective bargaining * or “wage negotiations,” “the elimination of strikes through voluntary conciliation and arbitration.”⁶⁴ The Department has two main functions, namely, research and consultation. Memoranda prepared by the research section have dealt with such subjects as “Shop Committees,” “Shop Committees and Industrial Councils,” “Work Councils,” “The Department Fund

* The Department objects to this expression on the ground that it “seems to infer that the Department is trying to spread the gospel of collective bargaining. This statement is incorrect. This Department serves all members of the Typotheta, regardless of labor policy.” [Memoranda.] As many of the activities of the Department have related to “wage negotiations” and “voluntary conciliation and arbitration,” the author confesses that he has assumed that these negotiations, conciliations and arbitrations were not generally with individual workmen, but rather with labor organizations, since the printing industry is so generally organized. The Department’s booklet on “Helpful Hints for Dealing with the Wage Problem” would probably not be adopted by such open-shop associations as the National Erectors’ Association, because the method suggested therein is hardly workable except under actual collective bargaining; for instance, the “cost of living contract clause.” Note the expression in that clause, “the officers of the Unions herein represented,” which can mean nothing else than collective bargaining. The 44 hour fight seemingly changed its attitude somewhat.

Dividend" "Profit Sharing," "The Proctor and Gamble Co." [System of Profit Sharing.]⁶⁵ Studies have also been made and advice given to local typothetæ and members generally in regard to apprenticeship, apprenticeship agreements and systems, retail prices and the cost of living, shop representation and wage schedules. The Department has made comparative studies of wages in the printing industry from the year 1914 on. It has pointed out the relation of printers' wages to the cost of living and has shown that wages have caught up and passed the cost of living in recent months. The Department has made a study of profit sharing and bonuses in 138 Chicago plants.⁶⁶ It analyzes wage contracts.⁶⁷ It has published "Helpful Hints for Dealing with the Wage Problem," which suggests how the increased cost of living may be ascertained and used as a basis for wage increases, and a "Statement of Facts on the 44 Hour Situation."⁶⁸ It sends out a monthly news letter on the subjects studied,⁶⁹ and has issued monthly a schedule of wages in the various printing centers.⁷⁰ It prepared a brief in the New York Pressmen's Arbitration Case. The Director of the Department, Mr. Silcox, has spent much of his time in advising local committees in connection with wage negotiations and other labor troubles, for instance, "in Boston, New York, Philadelphia, Baltimore, Washington and other printing centers."⁷¹ He has been very energetic and efficient in this work. The Department has furnished advisors in labor controversies in other cities, such as Attleboro, Bridgeport, Camden, Cleveland, Toledo, and Chicago. It has engaged in collecting statistics as to the number of union and nonunion employees in the shops of the members of the U. T. A.⁷²

Labor Bureaus.—The Typothetæ has maintained local and national labor bureaus for many years. In 1904, the establishment of local bureaus was going on actively, and the Executive Committee strongly advocated the building up of

a complete system of such bureaus by all the local typothetæ as they were then conducted in New York and Philadelphia.⁷³ The Philadelphia labor bureau kept a record of all employees in the offices of the employing printers in that city. Records of others applying for work were obtained, and all listed were classified as to occupation, ability, and affiliation or non-affiliation with the unions.⁷⁴ It was said that the bureau did not blacklist any men, but that it attempted to send out men who would be suitable in their new positions. It was, however, designed to "put it out of the power of the Union to use any underhand methods for the gradual advancement of any two or three individuals, or the gradual advancement of any one class of men, so that in time they can come forward as a body and claim that, because a certain portion of their number has obtained this, that, or the next amount, all are entitled to that amount as a minimum."⁷⁵ In 1905, a National Bureau was placed in operation, and received thousands of applications the first year.⁷⁶ By 1908, many local bureaus had been established, and they and the National Labor Bureau did very effective work during that period.⁷⁷ The convention of that year instructed the Executive Committee to extend the system further,⁷⁸ and in 1909, the Labor Bureau was reported to be one of the most active departments of the Secretary's office. A large number of applicants applied for positions,—953 applied in the five months previous to the report.⁷⁹ Members and local secretaries were enthusiastic about the operation and the results obtained from the various bureaus.⁸⁰ The *Bulletins* of the United Typothetæ have repeatedly called the attention of both the employer and the workmen to the Labor Bureau, to the one where he could obtain workers, to the other where they could secure employment free.⁸¹ A systematization of local bureaus was begun in 1912, and new ones were to be established so that every member should be in reach of at least one bureau.⁸² The National Labor

Bureau has tried to have local secretaries send in a list of all applicants with their records to the national office.⁸³ These bureaus, national and local, are still in active use, but are operated more actively by the Divisions on a national scale. The Department of Industrial Relations does a small amount of such work.⁸⁴ These bureaus were undoubtedly one of the things which caused the unions to condemn the Typothetæ for its alleged nonunion attitude.⁸⁵

Combating Strikes.—Furthermore, the United Typothetæ by combating strikes has shown its belligerency towards the unions. Through the Executive Committee, the Association has aided local typothetæ in strikes in the strike period of 1903-04, a period of numerous strikes, and in the strikes of the Typographical Unions in 1906. The Executive Committee encouraged, counseled and assisted the local typothetæ, but the locals had to "do the real, hard, down-right, Simon-pure fighting."⁸⁶ Advice as to schemes for getting men, and for fighting strikers in court and out of it, with limited financial support, was the general character of the aid given to the locals by the national in the period, 1903-04.⁸⁷ The national officers were kept rather busy during the year with strikes alone. The Chairman of the Executive Committee reported thus on the situation at the time: "We have had strikes of various kinds, ranging from a threatened strike in Richmond, where the Local Typothetæ carried the matter through to a successful issue without yielding one point and about which we knew absolutely nothing until long after it was all over—we did not even hear the shouting—down the line through strikes more or less hard fought, from a 'bluff' to a fourteen-week strike in Boston, and strikes in Chicago and Louisville that even yet are not over; down to a strike in one city where, after months of preparation and work by your Committee, after we had visited, counseled and coached them several times and after we had even gone so far

as to provide new men to replace the others in case of strike, the employers magnificently held the fort for forty-five minutes by the watch, and then capitulated.”⁸⁸ This statement shows well the situations with which the Committee had to deal, and suggests some of its activities. It was to meet some of these difficulties that later there was formed, in 1906, a “Flying Squadron” of strike-breakers — men who led the local strike-breakers⁸⁹ — and an organization providing for open-shop employees was fostered.⁹⁰ In the 1904 convention, much attention was given to strike reports.⁹¹ Also, an agitation for an Emergency Fund, to be collected by the Association from all the members and not from a part of them as had been the method previously,⁹² resulted in the adoption of an amendment to the Constitution providing for such a fund as follows: ⁹³

“Each individual member of a Local Typothetæ or individual members of the United Typothetæ of America shall pay monthly to the Treasurer of the United Typothetæ of America a sum equal to one-half of one per cent of his average monthly payroll in all the mechanical departments (composing room, press room, bindery and stereotype and electrotpe foundries), for the previous year. . . . No member shall pay less than \$2.00 per month. Thirty per cent of these dues shall be credited to the General Fund, which General Fund shall be used for all the running expenses of the United Typothetæ of America. *Seventy per cent of the dues thus received shall be placed to the credit of the Emergency Fund*, which shall be disbursed by the Treasurer on the order of the President and Chairman of the Executive Committee for such purposes as are hereinafter stated. The Executive Committee, with a three-fourths vote, shall have the power at any time to levy an extra assessment for the general expenses of the organization, which shall not exceed the regular dues for one month. *When the amount of money in the hands of the Treasurer to the credit of the Emergency Fund shall amount to \$100,000, the payments to this fund shall cease to those members who have been paying continuously from Janu-*

*ary 1st, 1903, and shall cease to all others when they have completed their payments for the same number of months; but the thirty per cent for general expenses shall continue as monthly dues to all members. When, however, this fund has been depleted, for any reason, below \$100,000 the full monthly payments shall be resumed and continue until the fund is restored to \$100,000."*⁹³

From these provisions it can be seen that the assessments for an Emergency Fund placed a heavier burden upon the Association members than assessments for all other purposes, since 70 per cent of all dues went to the Emergency Fund and only 30 per cent for all other purposes.

The Constitution at that time provided that, "The Emergency Fund shall be paid to members of the Typothetæ under the following circumstances:"⁹⁴

"Section I. When any member of the Typothetæ is struck or is threatened with a strike he shall immediately make a written statement of all the facts and submit the same to the Executive Committee of the local Typothetæ, if he is a member of such Typothetæ, or if he is an individual member of the United Typothetæ of America, to the Secretary of the United Typothetæ of America. After local investigation these statements shall be forwarded to the Chairman of the Executive Committee of the United Typothetæ of America, with recommendations. After consideration by the Executive Committee, the said Committee may order paid from the Emergency Fund as strike benefit to such a member each month for three months during the said strike an amount of money to cover the entire or such proportion of the member's loss as may be decided upon by said Committee, except that such payment shall not amount, if any-one month, to more than thirty times the monthly subscription of that member. Provided, however, that if, in the opinion of the Chairman or of any two members of the Executive Committee of the United Typothetæ of America, a larger monthly payment or payment for a longer period than three months seems advisable, the reasons for the same shall be reduced to

writing, and if said Executive Committee shall, by a three-fourths vote, decide in favor of such additional payment, the same shall be made.

"Section 2. No member shall be a beneficiary of the Emergency Fund who has not paid either subscriptions or dues to this fund for at least three months prior to his strike, or who is three months in arrears in the payment of his dues, unless such benefits are unanimously approved by the Executive Committee of the United Typothetæ of America." ⁹⁴

Changes in Control Over Labor Matters.—In 1909, these provisions were struck out, and a sentence was substituted saying that, "The Executive Committee is authorized to transfer from the general funds to the emergency fund from time to time such sums as they deem expedient." ⁹⁵ In 1911, this sentence was also eliminated in the general amending of the Constitution.⁹⁶ The whole matter now rests with the Open Shop Division. The Typothetæ had too many members who dealt with the unions and did not wish to contribute to a fund to be used by the open-shop employers in fighting the unions, to make the collection of an emergency fund satisfactory to all concerned.

This decline in the strike-combating activities of the Association as a unit is evidenced in other ways. Let us take, as an illustration, the changes in the Constitution over the control of labor matters by the United Typothetæ. In 1904, the President recommended that an amendment be made to the Constitution giving the Association power over the local typothetæ and individual members in all matters relating to labor except that of wages, which were regarded as a local affair.⁹⁷ Such an amendment was adopted. The Association was thus empowered:

"It shall have power to legislate for its membership and determine all questions arising between them or it and the trades unions or other employees, in regard to shop practice, hours of labor, apprentices, and every other question except wages, which being governed by local conditions shall be regulated by the local

organizations. It shall have power to levy assessments for the Emergency Fund and make laws for its disbursement in the protection of its members, and shall be empowered to enforce its laws by fines imposed upon its members and by the withdrawal of their charters upon failure to comply with its laws as they may be from time to time enacted.”⁹⁸

In 1911, this section was repealed, and a provision enacted which declared that “The United Typothetæ shall not at any time attempt to regulate its entire membership in the matter of labor control,”⁹⁹ although divisions might be organized to regulate thus the members of the division.⁹⁹ These different provisions furnish a strong contrast in the attitude of the Typothetæ in the two periods of time. The first provision, enacted in the strike period of 1904, and maintained through even a greater strike period of 1905-07,¹⁰⁰ even through the relatively quiet period up to 1911, was supplanted by the second provision that made possible the formation of two opposing divisions in the Association, one friendly to the union, the other belligerent — both placed for a time under the supervision of the Executive Committee but both now possessing “complete autonomy.” A few strikes were reported in 1909, and practically none in 1910;¹⁰¹ but it is hardly the period of peace that is responsible for the change.

Cause of Change.— The change in attitude of the United Typothetæ toward the unions is perhaps explained best by the organization of rival national bodies of employing printers, namely, the Ben Franklin Club of America — which held its first convention in 1911 — and the Printers’ League of America, formed in 1906, and which held its first convention in 1909. The Ben Franklin Club was concerned with costs and prices, and not with unions. On the matter of costs, one of the founders of the Club said, “The Ben Franklin Clubs of this country have done more in the past five years than the Typothetæ has ever done in the history of

its organization.”¹⁰² The clubs thus referred to were simply locals, and the national Club promised to do more. The United Typothetæ was dealing with costs, but strikes had absorbed so much of its energy in the past that many employing printers had turned to the Ben Franklin Clubs for hearty action on costs and prices. The United Typothetæ had levied dues that the smaller printing establishments felt were too high for them to pay;¹⁰² and as they remained on the outside, they competed in a way that the Typothetæ members regarded as “unfair.” The Franklin Clubs gathered in these small establishments. Attempts were made by the United Typothetæ to have these two rival organizations amalgamate.¹⁰³ A number of things seemed to stand in the way, among which was the fact that most of the small concerns dealt with the unions.¹⁰⁴ The Ben Franklin Club proclaimed that, unlike the U. T. A., “It had never antagonized or attempted to control labor.”¹⁰⁵ Thus the matter rested. It was either division on costs and prices, with the two organizations in the field, or division on labor in the Typothetæ, should the two consolidate.¹⁰⁶ The two organizations amalgamated,¹⁰⁷ and the Open Shop Division while it was connected with the Association in full vigor, probably represented all the belligerent element of the original United Typothetæ. On the other hand, the Printers’ League of America, which was openly conciliatory, was threatening to encroach upon the Typothetæ membership of those members who operated closed shops.¹⁰⁸ By the formation of the Closed Shop Division, the Typothetæ had practically absorbed the Printers’ League.¹⁰⁹

In 1920, however, the U. T. A. gave some indications of a returning belligerency. Although it repealed the anti-union-label section in its Declaration of Policy, it adopted a resolution opposing the forty-four-hour week. Moreover, it listened to an address on strike insurance — “a scheme that will turn a backbone of putty into one of steel,” so

said its President. After hearing the address by the representative of a strike-insurance company, who set forth how employers had won their independence through strike insurance, the U. T. A. adopted a resolution recommending strike insurance to the serious consideration of the entire membership. A call for greater co-operation was also sounded by the Chairman of the Executive Committee, who condemned the practice of one master printer "stealing" help from other master printers in town and from other cities, which was said to cause wage increases.¹¹⁰

Negotiations and Arbitration.—The United Typothetæ has taken up from time to time other labor activities in a more or less inefficient manner. In 1896, the convention was fully informed on all the details of the arbitration of a strike in New York City. The question of arbitration was discussed in a few conventions.¹¹¹ In 1902, the Association entered into a national agreement with the International Printing Pressmen and Assistant's Union, and kept that agreement through the belligerent days of 1904, and up to 1907.¹¹² Suggestions regarding local contracts with labor organizations had been compiled by the Executive Committee in order to make such contracts, when renewed in the future, more nearly uniform. These suggestions were published in the printed proceedings of the 1904 convention.¹¹³ The officers of the national body during the early part of 1904 had taken active part in the conciliation or arbitration which settled a labor dispute in Minneapolis, and made adjustments in other cities in probably not so friendly a manner.¹¹⁴ The United Typothetæ had made only the agreement referred to above, although at one time it was favorable toward agreements with other unions.¹¹⁵ Local typothetæ had made agreements with the unions, but the unions seemed inclined not to make agreements with the United Typothetæ. Then, as now, agreements were made by conferences, between the local organizations of employers

and of employees.¹¹⁶ It is a difficult matter to ascertain to what extent such agreements existed in the period prior to 1904, or exist today. The *Bulletin* records such a conference and agreement being made in Detroit in 1911, for 1912,¹¹⁷ but no other cases are mentioned. This matter at present (1921) rests with the Closed Shop Division.

Industrial Betterment.— The Association has attempted to state the duty of the master printer to his employees. In a "Code of Ethics," adopted in 1891 and reaffirmed at every convention since that time, the following moral obligations are set forth:

"In the conduct of our establishment it should be our constant endeavor to elevate the moral character and ameliorate the financial condition of our workmen who are engaged with us. This interest in their welfare is one of the best methods of preventing strikes and lockouts, which do such untold damage to both the proprietor and the journeyman.

"While it should be the firm and unalterable determination of every printer not to be dictated to by labor organizations when their demands are unfair, or which substitute the will of a prejudiced majority for the conservative teachings of common sense and justice, we should be slow to condemn the action taken by the journeymen, as it is possible that the influences controlling them may be more than they are able to resist.

"Any action which tends to decrease the rate of wages should be looked upon with as much distrust as is an effort to increase them. We should always remember that the proper place for us to look for remuneration is from the business that we do at a legitimate profit, and not from what we can save on the *per diem* of the wage worker, or from what we can make out of each other.

"In the treatment of apprentices or boys who are in our employ we should be ever careful as to whose hands they are in, as they are often influenced for good or for bad by the example of the foreman under whom they work.

"When an apprentice is taken, it should be considered our

duty, if he prove unapt or unteachable, to advise him to seek another line of trade. It often occurs that a poor printer would have made a good blacksmith or shoemaker; therefore, either trade, as well as the boy, would be benefited by taking him away from the trade for which he is unfitted.

"When we conclude that the apprentice we have taken is competent to learn the business and that he will learn it in such a manner as to reflect credit upon those who taught him, as well as himself, no effort should be spared to make him all that he should be as a workman and a good citizen. By so doing we add to our own happiness, his prosperity, and help the future generation of employing printers along a very troublesome road."¹¹⁸

The Association has taken up industrial betterment activities in a vacillating manner. In 1908, it encouraged the formation by employers of sick-benefit associations among the employees.¹¹⁹ In the 1909 convention, the Typothetæ went on record as standing "for the bettering in every practical manner the conditions of workmen employed in the printing industry," and favoring the enactment of workmen's compensation laws "fixing reasonable but sure and prompt recompense to injured workmen, whether injured by unavoidable accident or through negligence, which recompense may, through insurance or otherwise, become a regular charge of doing business."¹²⁰ The convention further recommended to the local typothetæ that they use their influence to secure such laws in the various states. But the fight over the resolution was strong, and the matter seems to have been dropped thereafter. In 1909, the Boston Typothetæ reported that it had appointed a committee to establish a savings-bank insurance agency for the benefit of the employees of the members of the Boston Typothetæ.¹²¹ At that time, Mr. Quarles of Louisville, advocated for employees a sick, accident and death-benefit association, local or national, and was applauded.¹²² Later on, the United Typothetæ made arrangements whereby employees could obtain

sick and accident insurance at rates practically fifty per cent under the cost of such insurance to those not members.¹²³ Agents went out to solicit the insurance, and members and secretaries of local typothetæ were asked to co-operate in securing applications from employees. The company with which the arrangements were made was the Phoenix Preferred Accident Insurance Company.¹²⁴ The *Bulletin* carried on an agitation for the scheme during 1911, and urged members to use their influence to induce their employees to insure.¹²⁵ The United Typothetæ offered as an added inducement a burial fund of \$100 to the beneficiaries of policy holders who died from natural causes. Arrangements seemed to have been made later in the year with the General Accident Assurance Corporation, but no great progress was reported as a result.¹²⁶ In fact, complaint was made at the 1912 convention that the scheme had not received the support from the members that was expected or that it deserved, and a paper in advocacy of such insurance in general and of this scheme in particular was read before the convention.¹²⁷ The scheme has not yet had any noted success.

In various other ways, the Association has been influenced in its activities by the unions. Influenced by the Typographical Union in providing a home for its old and disabled members, the United Typothetæ considered the establishment of a similar home for superannuated employing printers and publishers, but the idea came to naught.¹²⁸ Employing printers have been advised to help their workmen to make good, to prepare them for promotion for higher positions in the employer's own shop.¹²⁹ Likewise, the employer has been counseled to invite his employees' co-operation in matters looking toward improvements in the shop in methods and equipment.¹³⁰ The convention of 1914 passed resolutions approving the policy outlined in the papers presented on "Cultivating the Good-Will Among Em-

ployees," and recommended that members consider the suggestions given, among which was a "Get-Together Club" of employees engaged in educational and welfare work.¹³¹ Club houses, mutual benefit associations and a paternalistic spirit were among the suggestions dwelt upon in the papers.¹³² A close personal basis for the relations between the manager and his men has been put forward as a remedy for shop troubles on the ground that such would foster co-operation between employer and employees.¹³³ The bonus system has been advocated as a means to this end and to securing increased production by encouraging employees to a higher degree of efficiency, with a lessened cost of supervision.¹³⁴

Industrial Education.— Furthermore union restrictions on the number of apprentices have caused the local and the United Typothetæ to take up the questions of apprentices and industrial education. Both the local and the United Typothetæ have established and aided in the support of trade schools.

Printing Schools Fostered.— The United Typothetæ in the latter part of 1905, established schools in New York and Chicago for instructing workmen in machine composition. In the New York school, other courses were added later, but at first the students were taught only a small part of the entire trade, and a large number of them were turned out in a short time, capable of only a limited number of operations and not possessing average speed in these. The schools were established to furnish strike-breakers, and in this they were successful. The National Association of Manufacturers gave moral and financial support to the New York school by having *American Industries* printed by the students in the school.¹³⁵

About the same time a printing school was established in connection with, and as one of a number of schools of, the Winona Technical Institute, and probably with purposes

similar to those of the New York school, since a general strike was on at this time in the printing trades. This school is now called the U. T. A. School of Printing at Indianapolis. At first, instruction was limited and elementary; now the school conducts training in all stages from apprentice to expert.¹³⁶ In the early days, the school taught printing theoretically and practically, but did not pretend to turn out finished journeymen, but rather advanced apprentices well grounded in the theory of the trade who were expected to acquire commercial dexterity in actual shop work; now it turns out craftsmen.¹³⁷ In 1920, the school had 26 courses. It aims to give the student a training such as he would receive in a commercial shop, and in addition that which will help to fit him for executive positions, in fact, endeavors to give instruction to five different groups of students, namely, (1) those desiring intensive training, (2) the ordinary journeyman desiring promotion, (3) those wishing technical knowledge as a foundation for future executive work, (4) disabled soldiers who are being rehabilitated, (5) apprentices.¹³⁸

Great emphasis for a time was placed on advanced work; in fact, in 1914, the *Bulletin* stated that, "This is a school for advanced work, more elementary work is to be done in shop schools, in co-operative schools, and some in the shop."¹³⁹ Nevertheless, the school gives instruction to high-school students for the city of Indianapolis.¹⁴⁰ But it has aimed also to supply advanced technical instruction for experienced men who desire to specialize.¹⁴¹ The school has not done commercial work in the sense of making profits,¹⁴² but it has done such work as printing the *Typothetæ Bulletin*,¹⁴³ the Convention Proceedings, the Report of the Cost Congress, and similar work.¹⁴⁴ Much of this printing has been given to the school by the Association. In 1906, members of the United Typothetæ began their contributions toward the financial support of the school.¹⁴⁵

In 1909, an attempt was made to have the \$3000 annual contribution paid from the general funds of the Association, instead of being collected by subscription from individual members. But the motion was so amended that the Association was to pay only the balance not raised by the original method.¹⁴⁶ However, in 1910, the former proposal was adopted. Members could still contribute personally in addition to the amount that they paid through dues to the general fund, and were urged to do so.¹⁴⁷ By these two methods, \$3000 was contributed each year for 1910 and 1911 to the school by the Typothetæ and its members.¹⁴⁸ But in 1912, the convention authorized the Executive Committee to expend \$4000 thus, and so instructed it in the years 1913-1916, however, in 1917 no definite sum was stated, and in 1918, 1919 and 1920 no resolution providing for funds was passed, in fact, the school was said to be on a paying basis in 1919.¹⁴⁹ The school was not supported by the United Typothetæ alone, for in 1911, the expenses of the school amounted to \$9000 and the Typothetæ and its members had contributed only \$3000.¹⁵⁰ Besides supplying printing and funds to the school, the Typothetæ has encouraged students to attend and urged employing printers to send young men to the school. The *Bulletin* has repeatedly urged such support by the employing printers, and has given extended notices of the work done by the school.¹⁵¹ The school has had difficulties.¹⁵² During the school year 1907-8, a change of instructors was made because the former ones were members of unions, and did not enter into the spirit of the work for which the school was created. New and loyal instructors were obtained with difficulty.¹⁵³ Financial difficulties have had to be met from time to time, and union opposition and sectarian troubles have hindered the growth of the school.¹⁵⁴ The Winona Technical Institute has had many difficulties, and the school of printing has shared in these. Later the Institute was

reorganized as the National Trade Schools, but finally the whole scheme failed. But this failure did not carry with it the closing of the school of printing, for it survived and now seems to be well established. It is in close co-operation with the Indianapolis Technical High School.¹⁵⁵ Correspondence courses and a summer school are recent extensions in the work of the school of printing.¹⁵⁶ It boasts that it is the largest printing school in the world, and present plans are to enlarge it greatly.¹⁵⁷

Local typhotetæ have established, supported, and taken an interest in a considerable number of trade schools.¹⁵⁸ The North End Union School of Printing in Boston was one of the most important. It was founded in 1900 as an evening school, was later changed to a day school, and has as its stated object "to make *not more* but *better* printers."¹⁵⁹ The school was managed and aided financially by the employing printers of Boston.¹⁵⁹ This school has been taken over by the Wentworth Institute and the work enlarged.¹⁶⁰ In the following cities and places, there are, or have been, trade schools that teach, or have taught, printing — schools that have been aided in some manner or are a result of the agitation of the employing printers in that locality: Louisville¹⁶¹ Philadelphia,¹⁶² Cleveland,¹⁶³ New Haven,¹⁶⁴ Kansas City,¹⁶⁵ Detroit,¹⁶⁶ Chicago,¹⁶⁷ Bridgeport,¹⁶⁸ New York,¹⁶⁹ Rochester,¹⁷⁰ Pittsburg,¹⁷¹ Carnegie Institute,¹⁷¹ Harvard University,¹⁷² Pasadena,¹⁷² and St. Louis.¹⁷³ Some of these are public schools where printing is taught; one is a large university where the aim is to train executives in the printing industry.

Apprenticeship.— The U. T. A., for a number of years, has shown a deep interest in the question of apprenticeship.¹⁷⁴ It has had apprenticeship or educational committees to investigate such matters, has published forms of apprentice indentures, and has finally adopted officially a standard

form of which copies were sent to every member to use. It had a national apprentice director, chosen by a committee on education, to inspect and supervise trade schools and methods of shop training, to make suggestions, and, through the educational committee, to report to the Typothetæ. Through this committee, the U. T. A. co-operated with the Conference Board on Training of Apprentices, and with a corresponding committee of the National Industrial Conference Board, which absorbed the former Board.¹⁷⁵ The U. T. A. has repeatedly urged the training of apprentices, and outlined how apprentices were being trained.¹⁷⁵ For the use of apprentices in the shops and the students in the printing trade schools — to whom special rates are made — and for others, the Typothetæ is compiling and editing text books on all the phases of printing, in all, about 64 volumes.¹⁷⁶ Based mainly on these volumes, a number of educational courses have been formulated, in which a total of 6,673 students were enrolled prior to October, 1920. It has prepared a "New Standard Apprenticeship Course."¹⁷⁷ The Association has adopted a definite policy towards the public schools and has set this forth in a pamphlet on "Instruction in Printing in Public Schools."¹⁷⁸ In no other field relating to labor matters has the Typothetæ been more successful than in its industrial-education activities.

Legislative Activities.—The United Typothetæ has opposed the unions in their attempts to secure labor legislation. In 1904, it was active in its opposition to the enactment of a federal eight-hour law, and a national anti-injunction bill.¹⁷⁹ Circulars and blank petitions were sent out to members, so that they might petition Congress in opposition to these measures. Letters were written by the main office to the chairmen of the committees which had these bills in charge, and extended reasons were given for the Association's opposition. The Secretary of the United Typothetæ

appeared before both committees in opposition to the bills.¹⁸⁰ This seems to have been the beginning and end of the Association's strong hostility to labor measures before Congress.¹⁸¹ But from this, it must not be concluded that the Typothetæ has not been interested in legislation in other fields. It has, for example opposed the governmental printing of envelopes from nearly the time of its organization to the present time.¹⁸² Further evidence of its interest in legislative matters is found in the fact that it became a member of the Chamber of Commerce of the United States in the "belief that this Chamber will remain the medium, in which manufacturers and merchants will undertake and control legislation in the future."¹⁸³ This Chamber, as we have seen, has opposed labor legislation. (See Index.) Complaint has been made that too much legislation is the cause of business depression.¹⁸⁴ The Association has also a Legislative Committee that has asked members to appoint state committees to watch state legislation affecting the printing industry.¹⁸⁵ The legislative committee in 1919 complained in its report to the convention about the vast amount of proposed labor legislation.¹⁸⁶ This Committee itself actively opposed certain features of the original War Revenue Bill of the 65th Congress.¹⁸⁷ We have already seen that the Association took a stand favoring workmen's compensation laws. Local typothetæ however, have continuously opposed labor legislation through the National Industrial Council.¹⁸⁸

Litigation.— In judicial matters, the United Typothetæ made its most significant move against the unions by an action to test the legality of a contract between the Association and the International Printing Pressmen and Assistants' Union, which had violated the agreement. Temporary injunctions were obtained which restrained the violation by the Union, but these were later dissolved by both the state and the federal courts which had issued them. Appeals were

made, but the real point in issue was never decided, because the judges held that the union officers had in this case no authority to bind their union. A decision in favor of a permanent injunction restraining the union from violating the contract would have established a precedent so that the unions could not legally strike in violation of a contract while a decision against, would have practically meant that the unions could not make a contract enforceable at law.¹⁸⁹ Local typothetæ have secured injunctions in strikes, for instance, in Chicago in 1903-04. In this instance, not only were sweeping injunctions issued against picketing in various forms, but suits were begun against the striking Franklin Feeders' Union amounting to thousands of dollars. Heavy fines had already been assessed by the courts, and the continued threatened drains upon the treasury of the union caused it to begin proceedings to dissolve its corporate form.¹⁹⁰ The *Bulletin* has functioned in the field of litigation by publishing court decisions relating to labor matters.¹⁹¹

Open and Closed Shop Divisions.—As the United Typothetæ has endeavored to leave to its Open Shop and Closed Shop Divisions the greater part of its labor functions, a study of this Association would be rather incomplete without a consideration of these Divisions, especially in view of the perplexing problems that have arisen to trouble the officers of the main body in their attempt to have subordinate organizations with policies so conflicting as these Divisions possess.

Evolution.—The Open Shop Division was organized in 1912, and the Closed Shop Division in 1916, under a provision of the Constitution of the U. T. A., as adopted just prior to the formation of the Open Shop Division. Both Divisions were regularly constituted organizations with "Rules and Regulations," and both required all of their members to be members also of the U. T. A. Originally there was much that was common in the "Rules and Regulations" of the two Divisions, although inevitably, there

were also contrasts. Formerly, the two Divisions had their objects expressed as follows:

"The mutual protection of its members against illegal or unjust interference with the ^{enjoyment*}_{employment†} of their legal rights as citizens in the conduct of their business.

"The securing of mutual advice, co-operation and assistance in all matters affecting open shop conditions, either local or ^{international*}_{general†}

"The investigation and adjustment of any question referred to it in regard to labor conditions arising between its members or between its members and their employees.

"To secure and preserve equitable conditions in the workshops of its members, whereby the interests of both employer and employees shall be properly protected." ¹⁹²

The Open Shop Division, however, had these additional stated objects which the Closed Shop Division did not have:

"To assist those desiring employment to secure the same.

"To provide means for educating young men to become good, true and efficient workmen." ¹⁹³

These additional objects are easily explained. The union helps its members to find employment, but the nonunion man has no such assistance, so the Open Shop Division has found it necessary to perform this function. On the second point, it may be noted that the open shop in the printing trades cannot be long maintained unless the open-shop employer educates or helps to educate a sufficient number of nonunion workmen. It has also been stated that "The chief purpose of the Open Shop Division is to maintain the right of the American printer to work wherever he sees fit," ¹⁹⁴ and, accordingly, the activities of the Division were directed to

* This indicates the variation of the objects of the Open Shop Division from the common version.

† This shows where the Closed Shop Division's objects differed from the common version.

"maintaining the open shop conditions in offices affiliated therewith,"¹⁹⁵ when such existed, and to obtaining them when they did not exist.

Since the Open Shop Division has desired to extend the operation of the open-shop principle, its membership qualifications have been more liberal than those of the Closed Shop Division, which has been largely concerned with securing trade agreements with the unions. The Open Shop Division has always provided for active and associate members, the former are those who operate their shops in whole or in part on the open-shop basis, while the latter may be strictly closed-shop concerns which are in sympathy with the open-shop principle.¹⁹⁶ The Closed Shop Division has limited its membership to firms that have operated their shops in whole or in part on the closed-shop basis.¹⁹⁷ It has thus been possible for a member of the Closed Shop Division to have been also an associate member of the Open Shop Division, although all of the mechanical departments of his shop were operated on the closed-shop basis, but not possible for a strictly open-shop concern to have belonged to the Closed Shop Division.

Originally, the affairs of each of the two Divisions were placed in the hands of the Boards of Governors each of which consisted of twelve members. The Board of each of the Divisions was presumed to have full and complete control of the business of the Division, subject only to the Division itself;¹⁹⁸ in fact, the "Rules and Regulations" of each Division provided that "No general rules shall be enacted except at a regular annual convention [of the Division] or at a special convention regularly called for the purpose, and by a vote of three-fourths of the delegates present."¹⁹⁹ Acting on the assumption that it was independent of the main body of the U. T. A. in labor matters, each Division made rules governing its members in labor matters.

As the chief purpose of the Closed Shop Division was to make national labor agreements with the unions, its "Rules and Regulations" simply empowered the Division to "make agreements with international unions through its officers, subject to approval by referendum vote" ²⁰⁰ of its members. Its members were required to report at once to the Secretary any demand from labor or any disagreement, upon its receipt or occurrence. ²⁰¹ It was, moreover, the duty of the Board of Governors to assist members of the Closed Shop Division in the settlement of any labor controversy *only when the members affected requested such aid*. The "Rules," however, provided that "Before settlement of scales or contracts, disagreements or demands, locals and members-at-large should advise with the Secretary." ²⁰² Local divisions have always been provided for in this Division, and a large degree of local control thus existed here that did not exist in the Open Shop Division, where locals were not arranged for or recognized. ²⁰³

The original "Rules and Regulations" of the Open Shop Division thus empower that Division in respect to control over labor matters:

"This Division shall have power to legislate for its members and determine all questions arising between them and their employees in regard to shop practice, hours of labor, apprentices, and every other question except wages, which, being governed by local conditions shall be regulated locally.

"It shall have power to levy assessments for an Emergency Fund, and make rules for its disbursement in the protection of its members, and upon failure of any member or members to comply with its rules as may from time to time be enacted, it shall be empowered to enforce its rules by suspension or expulsion of said members from membership in this Division. ²⁰⁴

The "Break" of the Open Shop Division with the U. T. A.—From the foregoing outline of the "Rules and

Regulations" recognized by the main body of the U. T. A., it would seem that each Division possessed "complete autonomy" in labor matters. However, a majority of the members of the Executive Committee did not at all times concede such independence for the Divisions.

In 1915, after the Open Shop Division had been in existence less than three years, a dispute arose between the Executive Committee of the Association and the Board of Governors of the Division, on the question of the right of the Executive Committee to have general supervision over the Division. The difficulty arose out of a strike on an open-shop newspaper in New Orleans. The American Newspaper Publishers' Association had tried to adjust the strike through its arbitration agreement, but failed, and Commissioner Flagg of the Division fought the strike for the newspaper at no cost to the Division. However, the Typographical Union contended that the United Typothetæ was implicated in the strike-breaking, and threatened to call strikes in Typothetæ shops in various cities. The Executive Committee complained because it had not been informed by the Division of developments. The officers of the Division were inclined to disregard the wishes of the Executive Committee. At the annual convention of the Association in 1915 and after a rather heated debate, a resolution was adopted which placed the Division clearly under the supervision of the Executive Committee. This debate, it should be noted, made very apparent the fundamental weakness in the scheme of divisions or branches with sharply conflicting policies. In the discussion it was shown that the Division had been receiving aid from the United Typothetæ: At one time, one-half of the salary of the Commissioner of the Division was paid by the Association, although he had devoted all of his time to the work of the Division. The Association gave the Division free office room and helped to maintain the labor bureau. This aid constituted one of the

arguments in favor of supervision by the Executive Committee. On the other hand, the Division was considering a proposal to admit non-members of the Association into the Division. Its officers, in order to be free from supervision by the Executive Committee of the entire body, were willing to assume all of its expenses. The vital question was whether the Association's influence was to be thrown in favor of or against the "open shop" at critical moments, or, perhaps, whether it could actually remain neutral,—in any case the loss of either the Open Shop Division or the closed-shop members was threatened. Since the Division, by the resolution, was placed under the supervision of the Executive Committee, the struggle for the control of the Executive Committee became great. In 1917, the members of the Open Shop Branch — for the name was changed to Branch with its subordination — almost to a man resigned from the Branch and formed the Employing Printers of America as an open-shop organization, still, however, retaining membership in the United Typothetæ. The new organization was thus enabled to increase its membership without regard to Typothetæ membership and was free from the control and restrictions of the Executive Committee of the U. T. A. with which the relations of the Branch officials were not always harmonious.²⁰⁵ A census of the membership of the U. T. A. was taken shortly after the withdrawal of the Open Shop Branch and the canvass showed that 60 per cent of the employees of the members were union men and 40 per cent were nonunion.²⁰⁶ In 1919, an incomplete classification set forth that 523 members operated "closed shops," 531 operated "open shops," and 385 were "neutral."²⁰⁷ In 1920, a grouping of the entire membership gave approximately one-third to each of the three groups,²⁰⁸ so that it is fairly evident that no one group is strong enough by itself to dominate the Typothetæ as a whole, and only in

emergencies might it hope to enlist enough strength, for example, the Open Shop Branch, to obtain aid of the "neutrals," to carry through a proposition such as the opposition to the forty-four-hour week. The United Typothetae, it seems, has not been able to divorce itself entirely from labor matters, and apparently cannot take a definite permanent stand on the labor question without being in danger of losing its dissenting members which it does not wish to do because of its desire to control the prices of printing. It is doubtful if the recent move of the U. T. A. in giving "complete autonomy" to the Divisions will do away with the conflict, should both divisions be restored to their full strength. In 1919 the Closed Shop Branch granted the forty-four-hour week, while the Open Shop Branch declared against a decrease in the working hours per week.²⁰⁹ At the 1919 convention, the President recommended the dissolution of the Branches "in the interest of the Association's advancement."²¹⁰

Restoration of the Open Shop Division Attempted.—During 1920, the U. T. A. through the *Bulletin* tried to arouse greater interest in the Branches. It called the attention of its members to the provisions of its Constitution that permitted members to belong to either of the Branches or to both under certain conditions. It pointed out that all were privileged, *without an extra charge*, to membership in one of these Branches,²¹¹ although, originally, both Branches had charged dues, and again do so under the present arrangements. Apparently, such measures failed to enlist the hearty support of all of the "open-shop" members, and at the 1920 convention, the U. T. A. rescinded its former action, which had placed the Divisions under the control of the Executive Committee or Council. Although the Open Shop Division may now enjoy "complete autonomy," and although attempts covering a period of over six months have been made to reformulate its "Rules and Regulations" so

that the full strength of the Division may be attained, it seems that the prospects of a complete restoration remain poor.²¹² It is probable that the objections by many members of the Employing Printers of America to the abandonment of that organization or its absorption by the U. T. A., are obstacles that cannot be removed. Since no new "Rules" have yet been formulated at this date (March 1921) it is necessary that the "Rules" of the Employing Printers of America be used to set forth the structure and functions of the Open Shop Division, for they are the evolution of the original "Rules" of this Division: That no radical revision of these "Rules" of the Employing Printers of America to adapt them to the Open Shop Division, is needed, may be seen, when note is made of the provision of the 1920 Constitution of the U. T. A. in relation to the freedom of the Divisions from control by the main body in labor matters.

This Constitution provides that "In the conduct of labor matters, the Open and Closed Shop Divisions shall enjoy complete autonomy."²¹³ The Chairman of each of the Divisions, by his election, automatically becomes a member of the Executive Committee and the Executive Council of the U. T. A. itself. Co-operation between the two Divisions is provided for by an Industrial Relations Committee composed of three representatives from each of the Divisions. Two of these representatives are the Chairmen of the Divisions, while the other representatives are elected by the Boards of Governors of the Divisions. This Committee, it is said, "will enable the Open Shop and Closed Shop Divisions to co-operate, if they so desire, in labor matters of mutual interest."²¹⁴

With the caution that we are taking the "Rules" of the Employing Printers of America in their unrevised form as the "Rules" for the Open Shop Division, since there are no other recent ones available, let us turn to the structure of this Division:

The Open Shop Division; Objects.—These “Rules” and Regulations” set forth the following list of objects:

“Section 1. The objects of this . . . [Division] are: The mutual assistance of its members in upholding their rights to operate their plants upon the principle of the Open Shop;

“Sec. 2. The securing of mutual advice, co-operation, and assistance in all matters affecting Open-shop conditions, either local or general;

“Sec. 3. To secure and preserve equitable conditions in the workshops of its members, whereby the interests of both employer and employee shall be properly protected;

“Sec. 4. The investigation and adjustment of any question in regard to labor conditions arising between its members, or between its members and their employees;

“Sec. 5. To assist those desiring employment to secure the same; and,

“Sec. 6. To provide means for educating young men to become good, true, and efficient workmen.”²¹⁵

Membership.—There are two classes of members, active and associate. Active members are the firms and corporations which operate their plants in whole or in part on the open-shop basis, while associate members are those which do not operate their plants on that basis, and “whose members or officers are not active members of any labor organization.”²¹⁶ Associate members may become active members by establishing open-shop conditions in their plants.²¹⁷ All members of the Division must also be members of the main body of the U. T. A.²¹⁸

Fees and Dues.—An initiation fee of one-tenth of one per cent of the annual mechanical pay roll is charged all new members, and the fee must be not less than \$10 nor more than \$100. The dues of active members are one-third of one per cent of the annual mechanical pay roll, with a minimum charge of \$24 and maximum of \$1,200 per annum. Associate members pay one-half the amount of dues paid

by active members, that is, one-sixth of one per cent, but the minimum charge per annum, however, is \$24. The Board may levy special assessments on both active and associate members, the levy on the associate members to be half that on the active members. "No assessment shall be larger in amount than one-half of a year's dues. Not more than one assessment shall be levied within thirty days."²¹⁹ Special assessments are limited to two in a fiscal year, except by ratification by a two-thirds vote of the members in meeting or by referendum vote.²¹⁹ *

Government.—The Division is governed by a Board of Governors composed of fifteen members, who are elected serially one-third annually for three-year terms.† The Board selects from its membership a Chairman, a Vice-Chairman, and a Secretary-Treasurer.† It also appoints a Commissioner, who is under its control and supervision.²²⁰

The Board of Governors † has full and complete control of the business of the Division, subject only to constitutional restrictions and the limitations placed upon it by the members at annual or special meetings. During the interim between such meetings, it has power to "make such general rules as it deems necessary and proper to accomplish the purposes of the Division" to remain in full force and effect until the next meeting, where they must be ratified or become inoperative. It may, in turn, suspend general rules until the next meeting of the Division. "Whenever the Board of Governors receives a report that a demand from labor has been

* The annual dues, as fixed at the annual meeting of the Open Shop Division in 1920, are to be \$12 a year payable quarterly in advance. [20 U T A 134.] Manifestly, the funds thus provided would be wholly inadequate to operate the Division on an efficient basis.

† Officers of the Open Shop Division were nominated by a nominating committee and the report adopted by the 1920 meeting, in a manner similar to that of the main body of the U. T. A. This meeting provided for an Executive Committee of five, appointed by the Chairman in lieu of the Board of Governors; only the Chairman was made an ex-officio member of this committee. [20 U. T. A. 133-134.]

made upon a member of this Division, it shall be the duty of such Board to take full charge of the controversy, and no settlement shall be made by any member without the Board's approval." ²²¹ "The Board of Governors shall take cognizance of controversies occurring between members of this . . . [Division] in regard to labor matters; shall have the power to make the necessary investigations and to make regulations concerning said controversies. Upon failure of a member to comply with such regulations, the Board of Governors may withhold assistance in case of labor trouble, or the member may be suspended or expelled by a three-fourths vote of the Board of Governors." ²²¹ The Board may levy special assessments. It may establish employment bureaus and trade schools in such sections of the country as it deems advisable from time to time. Such bureaus and schools have been established. ²²¹

Declaration of Principle.—The present "Rules" set forth the following "principle" in relation to labor conditions:

"In the operation of any system of hours or wages now in force or to be extended or established in the future, this . . . [Division] will not countenance any conditions which are not just or which will not allow a workman to earn a wage proportionate to his productive capacity, and this . . . [Division] shall have power to make such general rules as may be necessary to accomplish this declaration of principle." ²²²

Duties and Privileges of Members.—The "Rules" have always made it the duty of active members to observe strictly all of the rules and regulations of the Division and of the Board. No member, active or associate, is allowed to do any act whatever which is likely to jeopardize the peaceful relations with his employees, nor attempt to make any change in the prevailing relations without the previous consent of the Board. This provision vitally affects a proposed change

to the open shop by an associate member, who must effect such a change before he can become an active member. Active members, to secure the support of the Division, must pay dues regularly, and for failure to do so, they are liable to suspension or expulsion. Pay-roll reports must be made annually in the month of February, and, for failure to make them, a member is subject to a penalty of 25 per cent increase over the past year's dues.²²³ In this Division, both under the old and present "Rules," an active member must "report promptly any disagreement, demand or controversy" to the Board²²⁴ and must make no settlement without the approval of the Board.²²⁵ In this connection, it should again be noted that the Board is required to take cognizance of controversies *between members* of the Division in regard to labor matters, and take charge of any dispute *between a member and his workmen*.²²⁶ In any labor dispute, the Division, through the Board, extends its influence and support, and, if necessary, aids in obtaining workmen for the member affected. The Board must secure the co-operation of other members in assisting the affected member to get out any work, which, because of the controversy, he is unable to do; provided he has observed all of the rules and regulations of the Division, among which is the requirement that he "must have been in good standing as an active member for at least six months."²²⁷

The Closed Shop Division has had by no means so eventful a history as the Open Shop Division has had. The Closed Shop Division was not organized until after the Open Shop Division had been in existence for four years, and then at a time when the Open Shop Division was threatening to withdraw from the U. T. A. In 1918, through an amendment to the Constitution of the U. T. A., the name was changed to that of the Closed Shop Branch, but the former name was restored in 1920 at the time that "complete

autonomy" in labor matters was granted.²²⁸ At one time, all of the locals of the Printers' League of America, with the exception of Cincinnati, had joined this Branch, so that the League was thus practically absorbed for the time being by the United Typothetae of America and this Branch. The League had had locals in New York City, Cleveland, Cincinnati, St. Louis, Chicago, Toledo, and Spokane, with a total membership of about 300 concerns, all of which dealt with the unions. The Branch generally modeled its agreements to a great extent after those of the American Newspaper Publishers' Association, and did this in the face of the strong objections that the A. N. P. A. agreements were individual rather than collective agreements and were valid only when signed by the individual printer and the local union.²²⁹ The logical development to such agreements was a standard one closely resembling those of the A. N. P. A., which was brought about through the formation of an International Joint Conference Council in 1919. This Council was formed to negotiate agreements and settle disputes arising between the employing printer and the unions when such controversies could not be adjusted by local conciliation or local arbitration. Before taking up a discussion of the operations of the Council, we should, however, first note the structure of the Closed Shop Division.

The Objects of the Closed Shop Division are thus stated in its new Constitution:

Section I. The objects of the Closed Shop Division are to safeguard the particular interests of members of this Division in full recognition of the common interests of all employers and employees in the printing industry.

"Sec. 2. To this end and to maintain machinery for frank counsel between employers and employees on all matters in the field of industrial relations and labor policy.

"Sec. 3. Through voluntary agreements for consultation, conciliation and arbitration to prevent strikes and lockouts by

joint efforts to remove their causes; and to resort to the procedure of conciliation and arbitration for the equitable adjustment of all disputes and grievances arising under collective contracts.

"Sec. 4. To maintain the right of all local Closed Shop Divisions and individual members of this Closed Shop Division to deal with representatives of the employees' organizations in negotiating contracts concerning their own wage scales, working conditions, and consultation, conciliation and arbitration agreements, subject only to such control and guidance as the Closed Shop Division of the United Typothetæ of America may exercise when directed and authorized by its Local Divisions and individual members as provided herein, through convention action or referendum vote.

"Sec. 5. To adopt a joint program for dealing effectually with the problem of labor supply in the light of a survey of the facts as to apprenticeship conditions, trade training schools, and other avenues of entrance into the trade; to obtain the requisite supply of competent workmen either by apprenticeship or other processes of training to meet the real needs of the industry; to encourage inclusion of clauses in all contracts specifying the processes, time, and grades of work necessary for the education and training of apprentices in their trade; and in carrying out this program to co-operate with the unions, local Closed Shop Divisions, local Apprenticeship Committees, and individual members." ²³⁰

Membership.—To be eligible to membership in this Division, an employing printer must (1) employ union labor in at least one of the mechanical departments of his plant, and (2) be a member of the U. T. A. either as an individual where there are no locals or a member of a Local Typothetæ. Five or more of such members may form a local Closed Shop Division, three or more of which may in turn form a District Closed Shop Division, and in this manner affiliate with the National Division.²³¹ The membership of the Division was reported to be about 1,500 in

September, 1920, about one-third of the entire membership of the U. T. A.²³² *

Fees and Dues.—An initiation fee of one dollar is required of each local Closed Shop Division and of each individual member. The annual dues of each member are fixed at twelve dollars, payable in quarterly installments.²³³

Obligations of Members.—All members of this Division are required to subscribe to an obligation as follows:

"We (or I) have carefully read the constitution and by-laws of the Closed Shop Division of the United Typothetae of America, and subscribe to and will abide by all of its provisions."²³⁴

Government.—The governing body of the closed Shop Division is the Board of Governors, which is composed of the regular officers of the Division, namely, a Chairman, a Secretary-Treasurer, a First Vice-Chairman, and the Vice-Chairmen for each of the allied printing-trade groups and of the District Closed Shop Divisions. This Board has "general supervision and management of the affairs of this Division." The Chairman, the Secretary-Treasurer, and the First Vice-Chairman are "the executive officers of the Division for the transaction of current business,"—which includes the negotiation of agreements with the unions—and are elected annually at the convention of the Division.²³⁵

The annual convention of the Division is usually held at the same time and place as the annual convention of the U. T. A., although another time and place might be designated. At this convention, each Local Closed Shop Division is entitled to one delegate for every five members or fraction thereof that it has on its rolls, but the vote of the local delegates is limited to one vote for every member in good standing. Individual members are regarded as members-at-large.²³⁶

* But in March, 1921, its membership had fallen to 516 members, because it had been granted the forty-four-hour week [Mar. 21, Bul. 4.]

A vote of three-fourths of the delegates present at a regular annual or special convention called for the purpose, is required to enact general legislation for the Division, or to approve agreements or contracts negotiated by its executive officers with the international unions unless such agreements are approved by a referendum majority vote.²³⁷

In order better to understand how the Closed Shop Division functions in labor matters, we must examine briefly the operations of the International Joint Conference Council, through which the Division performs its labor functions to a great extent.

The International Joint Conference Council is composed of two representatives from the Closed Shop Division of the U. T. A., and one each from the Printers' League of America, and the International Association of Employing Stereotypers and Electrotypers, and one each from the following labor organizations: International Typographical Union, International Printing Pressmens and Assistants Union, International Stereotypers and Electrotypers Union, and International Brotherhood of Bookbinders. The Council originally consisted of 10 members, but the withdrawal of the representatives of the American Association of Photo-Engravers and of the International Photo-Engravers' Union reduced the number to eight.

This Council passes upon general trade policies, legislation affecting the trade, hours of labor and shop practices with a view to uniformity, methods for maintaining "reasonable" selling prices, and the practicability of establishing wage-adjustment boards throughout the industry. It investigates apprenticeship conditions, and recommends methods of technical and trade instruction, and has submitted a proposed apprenticeship plan to the membership of the Closed Shop Division. It considers and reviews the causes of labor disputes in the printing industry, and acts as an appeal board of conciliation. It underwrites and guarantees all new

local trade agreements, and determines when such agreements have been violated. It may act upon "any matters of general interest to the Trade, whether industrial, educational, economic, legislative or hygienic," but such action requires unanimous consent, and does not bind the associations and unions until they ratify such action.²³⁸

The International Joint Conference Council claims that, since its organization, it "has taken action resulting as follows:

"1. The establishment of machinery for informal and frank discussion of problems in which both groups are vitally interested and the maintenance of an industrial good-will and respect for one another's opinions which lay the foundation for materially better industrial relations throughout the industry.

"2. Adoption of cardinal principles to guide wage negotiations on the basis of joint investigation and recognition of the facts as to economic conditions in the industry.

"3. Provisions looking toward the constructive handling of the apprenticeship problem.

"4. A standard International Arbitration Agreement form recommended for all contractual negotiations.

"5. The agreement through mutual legislative negotiations for the introduction on May 1, 1921, of the forty-four-hour week, in the union employing sections of the industry.

"6. Standard Cost of Living Readjustment Clause, Recommended for Local Contracts."²³⁹

The Joint Conference has approved a form of "International Arbitration Agreement, Individual Arbitration Contract and Code of Procedure," which contains, almost verbatim, the terms of the "Agreements" of the A. N. P. A. The "Agreements" of the Joint Conference Council, however, contain some provisions not found in the older "Agreements;" the most significant of these are the "cardinal principles," and the sections relating to "local conciliation:"²⁴⁰

Cardinal Principles.—The "Agreement" provides that,

"The parties to this agreement hereby accept the cardinal principles endorsed by the International Joint Conference Council as follows:

"1. That the industry frankly recognizes the cost of living as compared to 1914 as the basic factor in wage adjustments.

"2. The industry to pay at least a reasonable living wage; scales below this to be adjusted in frank recognition of the basic principle involved.

"3. That, when not in conflict with the existing laws of a constituent body, local contracts to be for a period not less than three years, and include a clause providing for annual readjustments of wages based upon the cost of living as determined by authorities jointly agreed upon and upon the economic condition of the industry at the time of readjustment.

"5. That controversies over wages, hours and working conditions can and should be settled without resorting to lockouts or strikes through voluntary agreement to refer disputes, when unable to settle through conciliation, to joint boards of arbitration composed of equal representation of employers and of employees, provision being made for an impartial arbitrator if necessary." ²⁴¹

Local Conciliation is thus provided for in the "Agreement":

"There shall be selected by the respective parties concerned, from within the localities affected by the issues raised, such equal number of representatives of the employers and the union as the employers and the union may deem desirable, not exceeding three, said representatives to constitute a standing Local Board of Conciliation. Joint chairmen shall be selected, to whom shall be referred any controversies which may arise as to the construction or interpretation to be placed on any of the provisions of the local scale or contract or any alleged violations thereof by either of the parties thereto. If the joint chairmen can not adjust the issue or issues within five days, the question or questions in dispute shall be re-referred to the local board of conciliation for adjustment. The joint

chairmen may require the parties to any dispute to submit detailed statements in writing.

"In case of a vacancy, absence or refusal of any member of this standing local board of conciliation to act, another member shall be appointed in his place.

"To this standing local board of conciliation shall be referred all differences which may arise under any local contract, or alleged violations thereof, except such as are satisfactorily adjusted by the joint chairmen as provided in section 2 of this code [the first paragraph], and such board shall meet when any question of difference shall have been referred to it for a decision by the joint chairmen. A majority vote of the standing local board of conciliation, each party represented therein being at all times entitled to cast the full vote of its representation thereon, shall be final and binding, and the decision of the standing local board of conciliation shall include any financial claim if such be involved in a dispute brought to it for decision.

"Should the standing local board of conciliation be unable to reach a decision in a dispute at the end of ten days after the same has been brought to its attention, the dispute shall be referred to a local board of arbitration as hereinafter provided: Provided, however, that the standing local board of conciliation, by unanimous vote, may extend the time limit of ten days to twenty days if in its opinion an agreement can be reached in that time."²⁴²

Interrelations.— The United Typothetæ has had various relations with other associations, illustrations of which are: It was opposed by the Ben Franklin Clubs of America until the two amalgamated.²⁴³ It is a member of the Chamber of Commerce of the United States.²⁴⁴ It has tried to organize other associations, for example, a national association of electrotypers,²⁴⁵ and has advocated the formation of foremen's associations.²⁴⁶ It has encouraged apprentices' clubs such as the Buffalo Apprentices' Club.²⁴⁷ Secretaries of local typothetæ have formed an Association of Typothetæ

Secretaries.²⁴⁸ Local typothetæ were members of the now-extinct Citizens' Industrial Association of America,²⁴⁹ and a number of them have been allied with the National Industrial Council.²⁵⁰ The U. T. A. was aided in the strike of 1906 by members of the National Association of Manufacturers. The Typothetæ endorsed this Association and recommended that its members affiliate with the N. A. M.²⁵¹ The United Typothetæ has co-operated with the Citizens' Industrial Association of America and the National Association of Manufacturers in opposition to the enactment by Congress of an eight-hour law and an anti-injunction act.²⁵² The U. T. A. was represented at a conference called for the purpose of forming the National Industrial Council.²⁵³ A local typothetæ often has relations with other local and state bodies. For instance, the Boston Typothetæ was a member of the Boston Typothetæ Board of Trade, which was "made up of seven departments as follows: Board of Trade, Typothetæ, Electrotypers, Book and Pamphlet Binders, Photo-Engravers, Paper Jobbers, and Associate Departments."²⁵⁴ Again, the Chicago Typothetæ has been connected with the Employers' Association of Chicago, and the Associated Employers of Illinois, and aided the employing printers of San Francisco in their fight for the open shop.²⁵⁵ The United Typothetæ aided in the formation of the Citizens' Industrial Association of America and urged that the latter organization receive the hearty support of employing printers.²⁵⁶ Through trade schools and industrial education, the United Typothetæ has been related to a large number of associations, among which are the National Association of Employing Lithographers, the National Founders' Association, the Tile Manufacturers' Credit Association, the Inter-State Tile and Mantel Dealers' Association, the National Brickmakers' Association, the National Metal Trades Association, and the National Association of Manufacturers.²⁵⁷ The United Typothetæ joined with the

following associations in the formation of an employers' mutual liability insurance company (the Ben Franklin Mutual Casualty Insurance Company): the Daily Newspaper Publishers' Association of Chicago, the Illinois Publishers' Association, the Ben Franklin Club of America, the International Association of Employing Electrotypers, the National Association of Employing Lithographers, the International Association of Photo-Engravers, the National Association of Steel and Copper Plate Engravers, and the Binders and Rulers Association.²⁵⁸ It was a member of the Conference Board on the Training of Apprentices which was made up of representatives from the N. A. M., N. F. A., N. M. T. A., U. T. A. and the National Machine Tool Builders' Association.²⁵⁹ It is a member of the National Industrial Conference Board.²⁶⁰ Through officers, the Typothetæ has been related to the American Newspaper Publishers' Association, the Employers' Association of Louisville, the Employers' Association of Detroit, and others.²⁶¹ The American Newspaper Publishers' Association furnished data for the brief made by the U. T. A. in the New York Pressmen's Arbitration Case.²⁶² Finally, the Association has had international relations with the Master Printers and Allied Trade Association of London, England, with the Master Printers at Birmingham,²⁶³ and with the Federation of Master Printers and Allied Trades of the United Kingdom of Great Britain and Ireland.²⁶⁴

A Comparison between the American Newspaper Publishers' Association and the United Typothetæ of America brings out similarities and contrasts. Both are in the printing trades and accordingly employ workmen of similar training and crafts. Each has a division or divisions to deal with the labor problem; the former has a closed-shop, while the latter has both an open-shop and a closed-shop division. The former is frankly favorable to the unions, the latter is now divided on its stand toward the unions. Both perform other functions than those relating

to labor matters. Both organizations publish Bulletins; those of the former are confidential, while those of the latter are distributed widely. Locals of both have combated strikes. Some of the members of each are badly out of harmony with the labor attitude of the other members of the organization,—there is no harmony of interest such as is found in the National Erectors' Association. Both organizations have published, at times, bulletins on wage scales in the various cities of the United States where members are located. Both have interested themselves in legislation, but only the Typothetæ seems to have opposed labor legislation. The United Typothetæ has a complete "Code of Ethics" on the duty of a member to himself, on the duty of a member to other members, on the duty of all members on prices and estimates, and toward their workmen; the American Newspaper Publishers' Association has no such code of Ethics.²⁶⁵

Other Associations exist in the printing industry, but none of these is so prominent as either of the two just studied. Among these is the National Association of Employing Lithographers, which was formed in May, 1906, as a negotiatory association, but by the end of the year had declared for the open shop.²⁶⁶ Another one, the International Association of Employing Electrotypers, negotiated, in 1913, an arbitration agreement similar to that of the American Newspaper Publishers' Association.²⁶⁷ The International Association of Manufacturing Photo-Engravers, a revived organization, has been mainly concerned with costs.²⁶⁸ Likewise, the International Association of Employing Electrotypers has given considerable attention to cost systems.²⁶⁹ The Employing Photo-Engravers' Association of America however, has generally been an open-shop organization,²⁷⁰ while the American Photo-Engravers' Association of America joined with the International Photo-Engravers' Union in forming a "Photo-Engravers' Joint Industrial

Council,"²⁷¹ somewhat similar to the International Joint Conference Council described above, and with which the two organizations were connected for a time. A discussion of all these associations would cover again certain points already developed in the study of the A. N. P. A. and the U. T. A., and, although it would bring out characteristics and activities peculiar to each, these peculiarities are not of sufficient moment to merit an extended treatment here, since the two associations studied are fairly typical of the other associations in the printing industry in regard to their methods of handling labor problems and in their attitude toward prices and commercial practices.

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PART IV

ASSOCIATIONS IN THE FIELDS OF
PROPAGANDA, LEGISLATION,
AND LITIGATION



CHAPTER X

THE NATIONAL ASSOCIATION OF MANUFACTURES

As an illustration of the type of associations which oppose unions in fields other than in combating strikes, the National Association of Manufacturers may well be regarded as the best representative, since it is the largest body of its type. It has been more active over a wider field than any other similar organization, and it has enrolled as its leaders many of the most prominent opponents of present-day unionism.

Membership.—*The National Association of Manufacturers* of the United States of America has, in the United States over 5000 active and associate members. It claims that the stockholders of the member concerns number over a million; that it thus represents over twelve billion dollars of invested capital;¹ and that it has “a membership of 5700 of the leading manufacturers of the country, employing more than 6,000,000 persons and producing between seventy-five and eighty per cent of the total output of manufactured products in this country.”²

The character of the membership, as stated in 1904, is probably true today—mostly large manufacturers, some trusts and a few small manufacturers: “The National Association [of Manufacturers] is for the most part composed of average manufacturers. Though many of the great combinations are represented here, they are rather as survivors of memberships taken by their constituent concerns in the past. The great combinations have taken no very active part and no very deep interest in our Association. The life of it, the vitality of it, depends upon the average man.”³ A great majority of the members are in the active class, which comprises individuals, firms and corporations *engaged in manufacturing in the United States*.⁴ Associate members are

others individuals, firms and corporations not so engaged. All members pay annual dues of \$50. The Association has incorporated under the laws of New York (September, 1905). It "is not organized for pecuniary benefit," and so cannot make or declare dividends.⁵

Strength of Association.—The Association has been appraised by one of its officers as "the most powerful body of business men which has ever been organized in any land, or in any age."⁶ The strength of the Association, however, lies more in the capital and the workmen employed than in the number of manufacturers who are members relative to those who are not,⁷ for we find members complaining about the minority representation of the Association, thus:

"We claim that we are a strong organization of 3,600 members; but what are 3,600 members in an organization, to accomplish the result we are trying to attain? *We are a mere minimum.* There are thousands of manufacturers in this country."⁸

"*We have as yet but a very small percentage of the total number of manufacturers in the United States who ought to be members of this Association.* There are 5,000 manufacturers in the State of Michigan who ought to be represented here, and if you had ten per cent of that membership in the State of Michigan, I can assure you that in matters of legislation and in matters of public and industrial interest we would have less to complain about than we now have, especially in legislative matters. The result is that we are looked upon as a sort of fragmentary body. We have able officers, but *we lack numbers.*"⁹

Government.—In the government of the Association only a few* of its members take part,¹⁰ at any rate in so far

* A quotation on this point will show that Association officials frankly admit that this is the case: "In the course of business here in this Association we find many queer things. For instance, I see before me a man who, one evening, we had decided to elect President of this Association the next day. *The inner circle had said: 'He is the man.'* The then President had said that it was all right, and that he would be the man. But something went wrong over night, and the next morning another man was elected." The man upon whom the

as we may judge from the attendance and representation at the conventions as indications of a deep interest by members in the affairs of the organization. At the 1910 convention, when the committee on credentials reported, only 102 delegates were present in person, 305 were represented by proxies, so the total representation was only 407. On the morning of the second day of the convention in 1916, only 182 members were present, the proxies were 207, a total of 389. In 1918, there were respectively 120 and 319, a total of 511; and in 1919, correspondingly, 194, 562, and 756. At the entire convention of 1919, there were only 348 delegates and 565 proxies. In 1920, however, an attendance of 300 delegates was recorded on the second morning, and 700 for the entire convention, while 1200 were represented by proxies.¹¹ In 1912 a member complained because the attendance was so small, "only a corporal's guard of 150 men at the initial meetings, and probably not to exceed 400 total attendance at the convention."¹² Similar complaints have been made at other times, and by various members.¹³ It is, then, fairly apparent that the conduct of the affairs of the Association is in the hands of a few manufacturers, who in the annual convention decide on the work to be carried on, and elect the directors.¹⁴ Furthermore, the Constitution provides that "Five per cent of the membership, represented in person or by proxy, shall constitute a quorum at any meeting and in the transaction of business a majority vote of those present shall decide except as herein otherwise provided."¹⁵ (e. g. amending the Constitution.)

The Board of Directors is the governing body of the Association. It consists usually of about twenty-one members,

honor was to have been bestowed thus explains, "I would have esteemed it an honor to have followed the men who had occupied that position, but a bargain always requires two, and at that time, while I was favored, there were personal reasons why I was not free to entertain the proposal, much as I appreciated it." (Proceedings for 1920, pp. 43-44.) (*Italics mine.*)

seven of whom are members at large and nominated by a nominating committee and elected by the whole convention adopting the report of that committee, twelve or fewer (the Constitution provides for twelve) elected as Vice-Presidents from the twelve states having the largest recorded membership in the Association on the day of the election, the Ex-Presidents of the Association, and the President and Treasurer, both of whom are elected by the Board.¹⁶ The Board not only elects the President and the Treasurer but also appoints the Secretary and the Business Manager, so that all such officers are simply the executive officers of the Board.¹⁷ It has full power and authority to put into effect the laws, resolutions and decisions of the Association; to make, alter or amend the By-Laws for its own government and that of the Association, so long as such do not conflict with the Constitution; to appoint an executive committee of five from its members, and to delegate to such committee the full powers of the Board during the interim between its meetings; to fill all offices for the unexpired term thereof — even vacancies on the Board itself; to appoint employees and other agents of the Association and define their duties, as well as the duties of all officers, other than stated by the Constitution; to exercise general supervision over the receipts and expenditures of the Association; to fix the compensation of the employees and agents of the Association; and finally, to do all other acts and things which it may deem to be to the interest of the Association.¹⁸

The real executive work of the Association devolves upon the Secretary, and the course of the Association in specific instances is determined by the Executive Committee.¹⁹ The President, formerly elected, but now appointed by the Board, is the presiding officer of the Board, and is largely a mouth-piece of the attitude of the Association, or as Van Cleave put it, the "figure-head";²⁰ for "a nominal change in leadership is no change in policy; . . . whatever the name of our

general, we bear the same banner.”²¹ Ex-Secretary Cushing was during his secretaryship practically the Association in so far as its legislative and political activities were concerned.²² The present Constitution provides that “The Secretary shall have a fund at his disposal, the amount of which shall be determined by the Board of Directors, and shall submit to the Treasurer and the President monthly statements of expenditures from said fund, which, when approved by the Treasurer shall become a warrant on the treasury for the replenishment of said fund.”²³ He has general supervision over the general office and the employees of the Association,²³ of which there are nearly sixty in the New York executive offices.²⁴

Outside of the clerical work, most of the activities of the Association are carried on by committees and sub-organizations, nominally at least.²⁵ The legislative and political activities formerly carried on by the Secretary are now largely taken care of by a sub-organization, the National Industrial Council.²⁶ The majority of the officers of the sub-organization have been the regular officers or directors of the Association.²⁷ The committees of the Association are appointed by the President with the approval of the Board of Directors, unless other provision is made as in the case of the Executive Committee.¹⁸ These committees usually have a specific function to perform, for instance, the committee made up of Schwedtman and Emery studied and reported on accident prevention and relief in various countries.²⁸

Objects.— Let us now turn our attention to the aims of the Association as stated in its Constitution:

“The general objects and purposes for which the said corporation is formed are, the promotion of the industrial interests of the United States, the fostering of the domestic commerce of the United States, the betterment of the relations between employer and employee, the protection of the individual liberty and rights of employer and employee, the education of the public

in the principles of individual liberty and ownership of property, the support of legislation in furtherance of those principles and opposition to legislation in derogation thereof.”²⁹

Principles.— A further interpretation of these objects and purposes, as they relate to labor — for we are concerned only with the labor activities of the Association — are to be found in the Declaration of Principles of the Association, first adopted in 1903, added to in 1904 and 1913, and officially reaffirmed in 1907, 1910 and 1913;³⁰ and the “Open Shop” principle reaffirmed in 1905, 1914, 1916, and 1920.³¹ The Principles which govern the activities of the Association in the field of industrial relations, are:

“1. Fair dealing is the fundamental and basic principle on which relations between employees and employers should rest.

“2. The National Association of Manufacturers is not opposed to organizations of labor as such, but it is unalterably opposed to boycotts, blacklists and other illegal acts of interference with the personal liberty of employer or employee.

“3. No person should be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization, and there should be no discriminating against or interference with any employee who is not a member of a labor organization by members of such organization.

“4. With due regard to contracts, it is the right of the employee to leave his employment whenever he sees fit, and it is the right of the employer to discharge any employee when he sees fit.

“5. Employers must be free to employ their work people at wages mutually satisfactory, without interference or dictation on the part of individuals or organizations not directly parties to such contracts.

“6. Employers must be unmolested and unhampered in the management of their business, in determining the amount and quality of their product, and in the use of any methods or systems of pay which are just and equitable.

"7. In the interest of employees and employers of the country, no limitation should be placed upon the opportunities of any person to learn any trade to which he or she may be adapted.

"8. The National Association of Manufacturers disapproves absolutely of strikes and lockouts, and favors an equitable adjustment of all differences between employers and employees by any amicable method that will preserve the rights of both parties.

"9. Employees have the right to contract for their services in a collective capacity, but any contract that contains a stipulation that employment should be denied to men not parties to the contract is an invasion of the constitutional rights of the American workman, is against public policy and is in violation of the conspiracy laws. This Association declares its unalterable antagonism to the closed shop and insists that the doors of no industry be closed against American workmen because of their membership or non-membership in any labor organization.

"10. The National Association of Manufacturers pledges itself to oppose any and all legislation not in accord with the foregoing declaration."³² *

The Convention of 1904 added the ninth paragraph to the original Declaration of Principles and the 1913 Convention made the following additions to the first nine paragraphs, while the tenth was taken with changes from the declarations below :

"First. We hold that the inherent powers of our courts of equity shall not be abridged in the issuance of injunctions in labor disputes.

"Second. We hold that the power vested in our courts to punish for contempt of court should not be abridged by the granting of jury trial for contempt.

"Third. We protest against class legislation, whether en-

* An interpretation of these Principles is given in Mason's "How American Manufacturers View Employment Relations," also published in the *Annals of the American Academy of Political and Social Science*, March, 1919; also in "Open Shop Encyclopedia for Debaters," pp. 18-20.

acted by State Legislatures or by Congress, and we assert that all forms of class legislation are un-American and detrimental to our common good.

"Fourth. We pledge our loyalty to our Judiciary, upon the maintenance of which, unswerved by passing clamor, rests the perpetuation of our laws, our institutions and our society.

"Fifth. We favor the further enactment of equitable, beneficial and simplified workingmen's compensation legislation.

"Sixth. We denounce the subserviency of representatives of the whole people to the dictation of any class in the matter of legislation.

"Seventh. We affirm, in the light of proven facts, that any compromise, toleration or identification with the leaders of criminal unionism will stultify our liberties and weaken respect for our laws and their just enforcement.

"Eighth. We affirm our approval of the enactment of wise and just laws, necessary to improve conditions of labor.

"Ninth. We affirm that our tested, self-controlled, representative democracy is adequate, under our constitutional guarantees, to effectuate the real needs and purposes of our national life.

"Tenth. We pledge ourselves towards the accomplishment of the spirit and purpose of the foregoing." ³³

The character of the faith of the Association leaders in these Principles is herewith illustrated by a typical statement by one of them:

"The Declaration of Principles of this Association, as they relate to the labor problem, are economically sound and just, and cannot be assailed on any sensible ground. They are broad and liberal from the standpoint of humanity, and the man who attacks them must admit that he is hampered by the shackles of class prejudice and opposed to individual progress and development through the natural course of thrift and energy. *We ask for no class privileges, and only insist that none be granted to others.*" ³⁴

Evolution.—In spite of the satisfaction thus expressed

with those Principles, the Association, in its evolution, seems to favor changes, to say the least, in the wording, of its objects and principles. For example, the Constitution in the period from 1904 to 1908 gave as the objects of the Association in relation to labor the following:

“The maintenance of individualism. The social and material welfare of all classes of the people is dependent upon the full exercise of individual freedom consistent with the equal rights of all and upon the perpetuation of the principle of personal ownership which furnishes the necessary incentive to individual effort and best promotes the conservation of capital, the great assistant of labor.

“To better the relations between employer and employee consistent with fair dealing and with the fundamental principles of individual liberty and ownership in property guaranteed by the Constitution of the United States. This Association is opposed to discrimination in the employment of men by reason of membership or non-membership in any civil, political, religious, or fraternal organization. It is opposed to boycotts, blacklists and all interferences with the constitutional rights of employer and employee. It is opposed to restriction of individual output, to limitation of the number of apprentices, and to all means and policies that tend to reduce the efficiency of the individual and the productive capacity of the nation.”³⁵

And President Van Cleave, in 1907, thus stated the objects and principles of the Association: “*No boycott, no closed shop, no sympathetic strike, no limitation of output, no compulsory use of the union label, no sacrifice of the independent workmen to the union, nor restriction as to the use of tools, machinery or materials except such as are unsafe, no restrictions as to the number of apprentices and helpers when of proper age.*”³⁶ By this time, a large number of combative associations had endorsed or adopted these principles, so President Van Cleave endorsed and promulgated them for his Association.

The Association has other objects and activities than those relating to labor matters, and its growth into a combative, or somewhat belligerent association until labor matters were predominant, came slowly after the formation of the organization, although apparently with startling rapidity about 1902-03.³⁷ But this change of attitude was foreshadowed by activities approaching the labor problem at an indirect angle. This evolution of the Association is of interest from the standpoint of the development of organizations into combative associations, and of the formation of the various sorts of combinations of employers imbued with a degree of class consciousness, as well as from the prominence that the Association has received because of its attitude and activities.

The Association resulted from an agitation for a national manufacturers' organization begun in October, 1894, by a Southern editor who sent copies of his publication to a large number of manufacturers giving them reasons and asking them to name a place for the meeting of manufacturers to form the organization.³⁸ In 1904, the following statement was made as to the ideals of the founder of the Association:

"The National Association of Manufacturers had its origin in . . . the brain and heart of . . . Thomas H. Martin . . . who . . . conceived the idea that it was time that the manufacturing interests of this country should be organized and consolidated. Labor was already united, labor was moving as one man; labor in splendid phalanx-like precision was moving like an army to the accomplishment of its great design. Capital was disorganized, had no coherent force, had no definite, united policy to interpose against the aggressions that might be made upon its interests. Therefore he resolved that the time had come when to be disorganized was to be demoralized, and to be demoralized was to be damned; that the discipline of an army was no more important than the organization of industry."³⁹

The organization took place on January 22, 1895, and the Association barely lived through the first year of its existence.⁴⁰ In its early struggling years the Association did not show that it was much influenced by these ideals, if they were the ideals of the charter members as well as of the founder. But slow as it was in its attempts to attain these ideals, it has, nevertheless, struggled toward them by taking up the labor question and by trying to unite all manufacturers into one great organization and all the employers and their associations into one harmonious alliance.⁴¹

Although the Association was organized at a convention held at Cincinnati in January, 1895, it did not deal largely with labor problems until 1902.⁴² As early as 1897 it adopted in convention assembled a resolution urging "the promotion of practical art, industrial, manual training or other technical schools," and discussions were held at subsequent conventions on the question of the training of skilled workers for various trades by means of commercial and technical or trade schools. In 1900 the annual convention adopted a resolution on this subject and as a result, "an American Institute of Commerce" was formulated as a national society for the encouragement of commercial education.⁴³ But, it can hardly be said that the Association had a definite labor policy under the administration of Mr. Theodore C. Search.

However, in 1902, Mr. Search was succeeded by Mr. D. M. Parry, who began his administration with a definite labor policy. In 1902 the Association appointed a committee to oppose the passage of a national eight-hour bill for laborers on government work.⁴⁴ At this time the conflict between employees and employers was sharp, associations of various sorts were being organized locally, and there was a distinct tendency for a number of national associations to become belligerent. President Parry, in his Report to the convention in 1903, made strong indictments of closed-

shop unionism, so strong that certain interests were fearful that he would precipitate a revolution out of the conflict.⁴⁵ John Kirby, Jr., delivered an address full of hostility to closed-shop unionism, and a fight was conducted on the floor of the convention over the adoption of a motion to publish and distribute that address widely. There had already been one bitter fight on the floor of the convention on the adoption of a resolution on vicious unionism, and this was continued the following day when the belligerent element won through a substitute motion as they had done the previous day by parliamentary tactics, and the convention went on record in favor of the Association becoming belligerent.⁴⁶ Of the persons composing the belligerent element, many of them later became prominent as association leaders, for example, Van Cleave, Kirby, Post, and Ittner. The conciliatory element seems to have dropped out of the Association. The 1904 List of Members does not contain the name of the most prominent conciliatory speaker before the convention, Mr. Samuel Jones. Thereafter, although there was dissent in the convention, no strongly dissenting conciliatory voice was heard.⁴⁷ The loss of conciliatory members was more than offset by the addition of belligerent members—the Association is said to have doubled its membership in a year.⁴⁸ The attitude of the Association since then has caused many persons to call it a “labor-busting” organization; in fact one of its own members, L. B. Robertson of the Ford Motor Company, Detroit—an open-shop concern—stirred up dissent on the floor of the convention by saying that the Association was hostile to organized labor.⁴⁹ But the Association leaders have strongly denied that it has conducted a campaign to destroy unionism, and have even caused periodicals to retract statements to that effect, and a President of the United States, Mr. Taft, to reverse his belief in this regard.⁵⁰

Attitude Towards Unionism.—The leaders of the As-

sociation have attempted numerous times to state its attitude towards organized labor, with the result that we have the following declarations:

"The National Association of Manufacturers is not primarily a labor-busting organization. It is true we have done much preventive work along that line, but we claim to be and are a boosting organization."⁵¹

"The National Association of Manufacturers is not fighting labor unionism as such. It is only fighting the vices and follies which have crept into some of the unions through their ignorant, corrupt and autocratic leaders."⁵²

"We believe in organized labor. It is the methods of organized labor that we oppose, and some of those methods are damnable."⁵³

"We are not opposed to good unionism, if such exists anywhere. The American brand of unionism, however, is un-American, illegal and indecent, because their constitution is simply based on the plan that 'we will rule you or ruin you.' The manufacturer, therefore, has a perfect right to discriminate against an employee who is affiliated directly or indirectly with an organization that resorts to these methods."⁵⁴

"The real and ideal union is the one between employer and employee."⁵⁵

"OPEN SHOP. *Resolved*, That the National Association of Manufacturers does at this convention, again reaffirm its condemnation of and opposition to the Closed Shop and of every form of Closed Shop agreement, and that we again pledge our unalterable adherence to the principle of industrial freedom as exemplified by the Open Shop. The resolution was agreed to."⁵⁶

"Since the period that organized labor struck this country, ninety per cent of the strikes are to be charged to organized labor."⁵⁷

"And now, having touched upon the high places of a few of the important questions of the hour, I want to direct your attention more especially to the giant problem with which we must deal; namely, the labor trust."⁵⁸

"Now I realize that that question involves a great principle, a principle that should not be fooled with, should not be temporized with, should not be compromised. Not one jot, not one tittle should be given in to that principle if we are going to have America stay America." ⁵⁹

"Labor pacts and conspiracies among labor leaders, entered upon for the direct purpose of restraining, controlling, harassing and persecuting other workmen or citizens in general, are so clearly lawless, anarchistic and dangerous that the great body of people who love liberty and hate tyranny must perforce rise up and prepare for combat." ⁶⁰

"Let the demonstration take place at the earliest possible moment, so that the country can have a square division on this issue. . . . Let the issue between law and the bomb and the bullet be brought to a decisive test at the earliest possible hour. The dynamiter and his instigators and apologists are enemies of our social order. 'Americanism must rule America.' " ⁶¹

"'If the reveille could be beaten and the righteous people brought together they would be surprised to see what a majority they actually amount to.' And so if the people in this Government who believe that only the settled, permanent, reasoned will of the people should find expression in law, would get together, they would be a majority of the people in this country, and would control the destinies of this country and keep our Constitution and laws written as they should be." ⁶²

"At a convention of the National Association of Manufacturers, held at New Orleans, David M. Parry came into the arena and waged battle against this beast with seven heads and ten horns that was stalking up and down the earth, demanding that no man should work, buy or sell, save that he had the name or mark of the beast upon his right hand or in his forehead. Other men rallied to his support, and today, instead of organized labor controlling the commerce and industries of the country, we find the principal leaders of this rebellion against constitutional government trying to save their faces." ⁶³

It is clear from the above that the National Association of Manufacturers is opposed to practically everything that the American Federation of Labor and similar unions advocate, from closed-shop agreements to labor legislation. On the other hand, it believes in such labor organizations as the Modern Order of the Bees, and probably the National Trades and Workers' Association — both now defunct — although it officially refused endorsement to the latter organization, presumably because it feared that the American Federation of Labor might obtain control of that "union." It has outlined a plan for shop representation, but it has not whole-heartedly favored even these "shop unions," since it has left the matter without recommendation entirely to the individual employer.⁶⁴ It holds that "Labor organizations, *restricted to right and honorable limitations*, are eminently proper, as every fair man will admit; but it is *when their regulations are contrary to law and the rights of men that the employer should take his stand against them.*"⁶⁵ So, we see that the Association bases its attitude toward unions upon its ideas of law and of rights. Let us note a few of these ideas:

"We must guard well the sacred temple of our institutions. Emphatically must we insist upon the preservation of the structure of government handed down as a cherished tradition. Never must we forget that government under our Constitution is adequate to express the real needs of our people, and that once we cut the Gordian knot our course will be towards chaos and uncertainty."⁶⁶

"The constitutional restraints, laid alike upon the law-making powers of Congress and the States, are not arbitrary enactments of a capricious nature, they are the expression of eight hundred years of the experience of the English-thinking and English-speaking people and represent the effort to *make secure against executive or legislative invasion such rights in individuals and minorities* as the historical observation of the men of our blood convinced them was *essential to the preserva-*

*tion of the life, liberty and property of each and the security of all."*⁶⁷

"Every time an employer of labor permits himself to be intimidated or coerced into closing his shop, or other place where labor is performed to all but those who are members of this organization or that . . . he commits a crime against the Constitution of the United States."⁶⁸

"Our Government cannot stand, nor its free institutions endure if the Gompers-Debs ideals of liberty and freedom of speech and press are allowed to dominate. . . . This Government cannot permanently endure if it permits a part, even though it be a small part, of its people to continue in open, organized rebellion against its institutions and its laws; if it continues to permit a defiant labor trust machine to ride rough shod over the rights of its citizens."⁶⁹

"But the right of any class of citizens to organize for the purpose of confiscating rights and privileges of others, and for the further purpose of compelling others to bide their dictation or starve, has always been denied and always should be."⁷⁰

"Our people must be free, our industries must be free, our commerce and manufacturers must be free, our great lines of transportation must be free — all lawful pursuits must be free — or the welfare and progress of the entire nation are jeopardized. There is nowhere any warrant of law for interfering with any citizen in the free pursuit of the object or occupation of his choice, if that occupation and that object and the manner of pursuing them only be within the limitations of law, right and justice."⁷¹

"We must co-operate — we must get together and stick together to uphold our honor and honesty, we manufacturers and merchants, or rampant labor men, socialists and demagogues will be our undoing. All these new fangled ideas about the initiative, referendum and recall, and all these attacks on capital, no matter how honestly obtained, are for the sole and only purpose of putting more power into the hands of the papers and politicians. In fact, I think the greatest menace

that our country has today is a so-called 'free press,' bidding for popularity with the thoughtless mob." ⁷²

"I earnestly hope this Association will realize the great responsibility which rests with it to move forward steadfastly in the patriotic work of *maintaining American liberty and property rights, the corner stones of modern civilization*; and I hope it will see that to achieve ultimate success it must lay its plans of campaign on broad, democratic lines, enlisting all classes of employers in the work, and arraying the substantial citizenship of the country in one great phalanx determined to preserve these principles of government which have made this the best country in the world for every class of people." ⁷³

"*We need to make resistance in the field of industry, in the field of politics, in the field of statesmanship, and in the domain of law* — resistance against every encroachment upon the rights of the citizen — the humblest citizen as well as the most powerful." ⁷⁴

"*Conservatism must be the keynote of the policy of the National Association of Manufacturers, and this makes it the opponent of radicalism*, whether that radicalism be preached by labor leaders, by socialists or by other open or secret enemies of the *private management of industry*. Industry under our present system of government has made the American people the most prosperous on the face of the earth, and yet this fact is so imperfectly understood that the forces of reaction and destruction seem to be augmenting their strength, making absolutely imperative the active defense of industry and of those conditions which are essential for its development. No nation today has a greater need for a sober conservative force than has this republic, and it is thus seen that there is plenty of work for this Association to perform." ⁷⁵

If we take these statements in connection with the Declaration of Principles, given above, we may conclude that the Association stands for individualism, the rights of private property, and the maintenance of these by the Government; and that anything contrary to the property right, as it defines it, of the employer to employ whomever he

pleases on whatever terms he pleases, is unconstitutional, and no union or legislative body can legally change such property rights.⁷⁶ The thousands of pages of the literature of the Association abound with statements to confirm this, and only rarely is a dissenting sentence found. So we should expect this Association as a matter of course to oppose legislation restricting property rights, or curtailing the employer's liberty to manage his business as he sees fit, and in such opposition to engage in politics. Such is the case. In fact, "The Association was created to influence legislation."⁷⁷

Legislative Activities; Legislation Opposed.—The Association with its subsidiary organizations, has been the most prominent opponent of labor legislation, such as eight-hour and anti-injunction bills, all of which it has characterized as class legislation. From 1902 to 1912, it successfully opposed the enactment of a federal eight-hour law applying to work done under government contract, and while its opposition could not prevent the passage of the law in 1912, it secured amendments to the law that limited somewhat the applications of that law.⁷⁸ Its stand on this measure is thus stated in its pamphlet on "Eight Hours By Act of Congress" (p. 1): "The National Association is committed to an unrelenting opposition to this vicious, needless, and in every way preposterous proposition, and we ask you to read and preserve the following pages as evidence, if such should ever be desired, that the worst that can be said of it is none too bad." The Association in the same manner has opposed all bills tending to lessen the power of the courts in the issue of injunctions in labor disputes. Its opposition began in 1902, became strong in 1904,⁷⁹ and continued with complete success until the enactment of the Clayton Anti-trust Law of 1914, an act which its leaders say does not materially lessen the power of the courts in the matter of punishing for conspiracy, although it clearly contains provisions that the Association has fought strenuously as anti-in-

junction measures. It has opposed even harmless anti-injunction measures on the ground that such bills serve as accusations of the justice of our courts.⁸⁰ It has fought amendments to the Sherman-Anti-Trust Act and provisos in appropriation bills whereby labor unions were exempted from prosecution under the Sherman Anti-Trust Act by funds appropriated for its enforcement, although it demanded that the Sherman-Clayton Acts be so revised as to permit "collective economic action in business transactions," "beneficial to the public interest."⁸¹ It has opposed vigorously bills defining property rights, in which the right to do business was defined as a personal right and not a property right, and in which the good-will of business was characterized as not being property.⁸² Bills for jury trials in contempt-of-court cases in labor disputes have been combated by the Association,⁸³ as have bills allowing federal employees to affiliate with the American Federation of Labor.⁸⁴ Its activities have been distinctly unfavorable to the Seamen's Bill and to legislation tending to check the use of scientific management, or efficiency measures. Its opposition to the Seamen's Act did not cease when that bill became a law, but continues to the present in the form of demands for the repeal or serious modification of the Act. It has condemned compulsory sickness insurance as a menace. It has protested against the labor provisions of the Versailles Peace Treaty. It opposed at first, then sought modifications and now demands the repeal of the excess-profits tax. It denounced the passage of the Adamson Eight Hour Law.⁸⁵ It opposed the National Child Labor Law,⁸⁶ and has not been favorable to minimum-wage laws.⁸⁷ With the exception of the act creating the Federal Board for Vocational Education, there have apparently been no measures favored by the American Federation of Labor, which have not been opposed by the Association.⁸⁸ In fact its attitude towards "remedial legislation" is well illustrated by a highly

commendary editorial in *American Industries* — its official publication — on the stand of Mr. Morgan. This editorial says in part: "The only thing which Mr. Morgan seems to have learned during his somewhat successful career is that *it pays to mind one's own business*. . . . When asked what might be done in the way of remedial legislation to solve the problems of industry, Mr. Morgan, said, 'It is an admirable work to do but it is beyond me.'"⁸⁹ In other words, "Let well enough alone: The manufacturing interests of the country are opposed to any change of administration which will result in a disturbance of business, a check to present commercial improvement, and possible wage reduction. Radicalism in tariff revision or radicalism in labor legislation are equally menacing to continued prosperity."⁹⁰ Indeed, its position on restrictive legislation is summed up in the statement that "There are a great many ways of making people good, but you cannot do it by law."⁹¹ It has complained of "drastic and unnecessary legislation affecting conditions of work in factories and mills,"⁹² and has demonstrated the futility of too many laws as enacted to-day.⁹² Stockholders, bank depositors, home owners, and other property holders have been appealed to in opposition to restrictive legislation.⁹³

The Association regards the legislative situation more serious than that phase of the conflict which is limited to the industrial field,⁹³ and has accordingly organized for action in legislative matters. The Association unanimously agreed to a resolution "That the National Association does herewith *vehemently protest and sternly rebuke any attempt by our National or State Legislatures to foster, consider or enact hasty, undigested and special legislation designed, directly or indirectly, to create class legislation, with all its attendant constitutional dangers and industrial disorders.*"⁹⁴ The Association in order to oppose such legislation organized the National Council for Industrial Defense, now called the

National Industrial Council, the character and activities of which have thus been stated :

The Legislative Committee of the National Association of Manufacturers and the National Council for Industrial Defense are for all the world like the Siamese twins — you cannot separate them and you do not want to separate them. You cannot, and need not, be able to tell where the one ends and the other begins. The Council was organized and exists under the leadership of the National Association of Manufacturers, and this leadership is exercised through the Legislative Committee. . . . The Council has focused many forces which were not available through the direct membership of the Association. It has secured co-operation among societies in many great fields of activity all over the country and thus has been a powerful auxiliary to the Association in defeating unwise or vicious measures in the National and State law-making bodies and in shaping and promoting sane, conservative legislation.”⁹⁵

Prior to the formation of the Council in 1907, there was less centralization in legislative activities, and the decisions as to what legislation to oppose were reached in a more cumbersome manner than at present when Mr. Emery analyzes bills and points out their objectionable features, and calls upon members for telegrams and letters of protest. Sometimes as many as 10,000 such telegrams and letters have been sent within 48 hours after the call.⁹⁶ The old method has thus been described in *American Industries*:

*“The Association, through its directors, executive officers and various committees, acting in harmony with the policies laid down by the members themselves in annual meetings, favors or opposes national legislative propositions, as may have been determined to be wisest for the welfare of the country and its manufacturing interests.”*⁹⁷

Mr. Emery has thus summed up the legislative activities of the N. A. M.:

"It keeps track of all legislation of the States and in the National Legislature, of interest to manufacturers. It informs them fully as to their terms and meaning. It represents them in opposition to such legislation as they oppose, and in the promotion of such legislation as they express a formal interest in." ⁹⁸

Causes of Legislative Activities.— The stand on legislation taken by the Association and its reasons for its legislative activities are found in part in the following statements:

"The courage and the promptness with which the courts have vindicated the rights and liberties of employers and employees in the industries have turned public opinion against those objectionable methods [sympathetic strikes and boycotts]. We must bear in mind, though, that *litigation, however successful, becomes ineffective if legislation modifies or repeals statutory rights or remedies*. Moreover, *legislation—National or State—which does this offers a powerful example for imitation by the rest of the States and thus lessens the vigorous administration and enforcement of all laws along these lines. Hence our course of action has been largely confined to defense.*" ⁹⁹

Thus litigation led to legislation, and the courts which defended the property rights of the employer, had to be protected by the employers' associations against a limitation of their powers. To maintain these rights of the employer in labor disputes, first resort was had to the courts where the conflict was waged, second to legislative bodies where the unions were attempting to lessen the courts' activities in such matters, and finally, from there into politics; such has been the general procedure of those associations which engaged in the conflict outside of the immediate industrial field.¹⁰⁰ This Association began with legislation, went into politics, and into an extensive propaganda, and states that "it has helped to shape the course of Congress and of many legislatures. On the country's industrial and political life it has

exerted and is now exerting a profound and beneficent influence." ¹⁰¹

Success in Opposing State Legislation.— The Association, however, has not limited its legislative activities to federal fields; it has appeared through its leaders in opposition to various labor bills before state legislatures. Among the states where these leaders have been active are New York, New Jersey, Connecticut, Ohio, Massachusetts, Indiana and Missouri.¹⁰² Let us take a quotation which shows the widespread nature of this activity:

"Under different names, and fathered by various persons, the Federation attempted, in the early months of 1909, to push Pearre bills through legislatures. We were on our guard, however. Again we were successful. Through our initiative, under our direction, and with our aid measures of this sort have been defeated in every legislature in which they have been pressed for enactment." ¹⁰³

President Kirby thus testified to the effectiveness of Mr. Emery of the Council:

"If you have a batch of bad bills before your legislature and you can arrange with your committee for a general hearing and will request Mr. Emery to come and appear before the committee, he will be glad to do it, and I can assure you that no objectionable bill will pass through the hands of any committee after Mr. Emery has had a chance to tell them what it means—I don't care whether it is a committee of labor skates or what it is. If he gets a chance at them I will promise you the bill is dead from that moment." ¹⁰⁴

And Mr. Hanch of Indiana added his testimony to that of President Kirby as follows:

"I want to testify to the exact truthfulness of what you have just now said. In the recent legislative session in Indiana we had both houses in the hands of the opposing party, and I think the largest list of malicious class bills ever presented.

The general subjects might be classed under employers' liability, master and servant, assumption of risks, fellow servants, our old friend anti-injunction, æsthetics and hygiene in factories, and everything of that kind, and we thought we were up against it; but through the insistent persistence of Mr. Emery we were able to prevent every one of those bills from getting to the Governor."¹⁰⁵

The N. A. M. by official resolution in 1920 highly commended Mr. Emery for his remarkable efficiency and noteworthy achievements.¹⁰⁶

The Association has made its strongest appeal to business men to oppose such labor legislation on the ground that business was curbed by all laws of this sort. In resolutions, it has protested "against continuous assault on our established industries," and blamed legislators for business depressions.¹⁰⁷ It has argued that "If business was let alone and not legislated into poverty, it would encourage investors."¹⁰⁸ It no longer appeals to manufacturers alone.¹⁰⁹ At one time it favored strongly the regulation of railroad rates by the Interstate Commerce Commission, but in recent years it has been showing an adverse attitude to government regulation in any form.¹¹⁰ This is undoubtedly a clear indication of a wider recognition of a community of interests among manufacturers and railroad managers. Ex-President Kirby did not look kindly upon the large numbers of immigrants from southern Europe, and he based his opposition on the belief that these brought "with them nothing but seeds of socialism and anarchy with which to thistle our fertile land."¹¹¹ Yet the Association, a year or two later, opposed before Congress, a Chinese Exclusion Act,¹¹² and at later times has seemed to have favored immigration because of the shortage of labor both skilled and unskilled and opposed legislation such as the literacy test, but asked that socialists and anarchists be excluded by a "proper enforcement of the present law," or by additional law. In 1920, it was frightened by the

"immigration menace," since "the United States is being made the dumping ground of all Europe," and has a committee "which is making an exhaustive investigation of every phase of the immigration question," and "will submit a comprehensive and practical measure that not only will regulate immigration, but distribute it in agricultural and industrial territories where it is so greatly needed and where it may be absorbed."¹¹³ Probably the need for immigrants as workmen in the open shops may have caused the Association at one time to favor strongly immigration, while the fear of radicals among the immigrants when great numbers are coming, may be the cause for the wish to restrict the number as well as to exclude known radicals.

The Association is apparently becoming more antagonistic to governmental enterprises and supervision, as now conducted.

Governmental Activities.—Practically every department and phase of government have at times come in for condemnation at the hands of the Association leaders and publications.¹¹⁴ Legislators are blamed for the framing of ambiguous and unconstitutional laws, and the courts are acquitted of any unfriendly designs upon certain laws obnoxious to business if these are declared unconstitutional or interpreted so that they mean other than their framers say they intended. Complaints about the appeals of the employers to the courts to set aside or interpret certain laws, have been answered by a statement that for big business "to suffer the blame for Congressional stupidity is too much."¹¹⁵ These leaders and publications have attempted to show that governmental enterprises are generally run at a loss.¹¹⁶ Public ventures are usually discredited, or condemned as failures. The Association leaders strongly opposed the Ship-Purchase Bill of 1914-15, and the continued government ownership of merchant ships.¹¹⁷ They criticized unfavorably the plan of the Federal Government for

extending loans to the Southern cotton growers, saying that "the scheme failed utterly as all schemes of Government aid in emergencies is apt to do."¹¹⁸ Government ownership and operation of railways, telephone and telegraph lines and other governmental enterprises such as state insurance are discredited both at home and abroad by these leaders and publications, and opposed at all times by the Association as unwise.¹¹⁹ The Association's part in such matters is clearly indicated by its sending John Kirby, Jr., David M. Parry and Albert Snowden as a commission to visit Australia and New Zealand,

"to study and report at length on the development and operation of the innumerable legislative measures such as the Industrial Conciliation and Arbitration Act, the Factories Act, the National Insurance Act, the Minimum Wage proposals, etc., the adoption of which has created in this country the impression that Australia and New Zealand are the workingman's paradise, which impression has been stimulated by the labor union leaders and the superficial students of economic laws. The purpose of the Commission is to report accurately, and in detail, the *exact effects upon national business welfare of the teachings not only of economics, but of history and of legislating in haste for the apparent needs of the moment.*"¹²⁰

News of the Commission received from time to time promised the opponent of government enterprise and labor legislation a wealth of arguments for his viewpoint, for one of these states that

"In a general way *Australian employers, in conversation with the visitors, found that they had a common cause in respect not only to industrial difficulties or the problem imposed from time to time by meddlesome political parties, . . .* The interchange of views between Australian employers and the visitors have been mutually advantageous in showing that the problems in both hemispheres are very similar, excepting that in Australia many of the theories preached in the older countries have been tested with, generally, unsatisfactory results."¹²¹

The report itself fulfils the promise,— it contains a severe indictment of government enterprises and restrictions and likewise of present-day unionism.¹²² Various other instances of criticism of governmental activities are frequent. The Anthracite Coal Strike Commission was deplored in 1903 as a venture in socialism,¹²³ but was later endorsed highly for its findings.¹²⁴ The Federal Commission on Industrial Relations, however, was at no time commended; the attitude of the Association toward it was that “ nothing constructive was expected of it and nothing constructive has been produced.”¹²⁵ The publications of the Association have not been sparing in their condemnation of this Commission, as its investigations, discussions, and two of its three final reports were not such as the Association could endorse.¹²⁶ It favored the discontinuance of the National War Labor Board, and opposed the creation of a similar body except for public utilities, on the ground that the former Board had not been truly a success as a national body. It condemned unsparingly the manner in which the U. S. Employment Service was conducted during the war, and fought appropriations for continuing the Service, but it advocated ample appropriations for the employment division of the War Department to secure employment for the returned soldiers and sailors. It deplored the adoption of the closed shop by the U. S. Shipping Board.¹²⁷ The Association was hostile to the recent amendments to the Federal Constitution; to the income-tax amendment and the law based upon this, because of their “ socialistic ” character, especially in regard to exemptions; also to the excess-profits tax and to the direct election of United States senators as contrary to the spirit of our government. For the same reason, it has denounced the initiative, referendum and recall,¹²⁸ although it seemed to rejoice because the people of Missouri nullified a full-crew law in that State by the referendum.¹²⁹

Legislation Sought.—The Association through its leaders seeks the aid of the government and asks for legislation favorable to the interests of manufacturers.¹³⁰ It asks for aid in building up foreign commerce, and wants to use consular and other diplomatic representatives for this purpose.¹³¹ It wishes liberal appropriations for the Bureau of Manufacturers, and now asks for a Department of Manufactures.¹³² It takes credit for helping create a Department of Commerce,¹³³ for securing changes in the patent laws,¹³⁴ and for the establishment of a tariff commission under the Administration of President Taft, and later agitated for another commission.¹³⁵ The Federal Reserve Banks carry out the idea which it has advocated, that is, a partially centralized system—to demonstrate by a quotation: “The interests of the people of the United States require a banking system like the Government, having central control of certain functions requiring unity of action, and which at the same time leaves each locality independent in all bank matters.”¹³⁶ Greater centralization, however, is now desired. The N. A. M. has agitated for the federal incorporation of public utilities, and for a national budget system.¹³⁷ Its leaders favor a ship subsidy, and the maintenance of derelict destroyers by the Government.¹³⁸ It has urged upon Congress the adoption of a comprehensive policy of waterway development.¹³⁹ It advocates a strong militia, and a large army and navy,¹⁴⁰ not only for war, but “to squelch the rebellion that springs into existence with every strike.”¹⁴¹ It has asked for legislation to prevent strikes on the railroads. It has urged the establishment of publicly supported trade and industrial schools, and has pled for national appropriations for advancing industrial education.¹⁴² On this point we find it saying:

“The assistance of both the State and National Government in establishing technical secondary schools and trade schools

in every large city is made necessary by the lack of industrial training now so apparent." ¹⁴³

"We must arouse public sentiment to the necessity of compelling our lawmakers, in their respective spheres, National, State and municipal, to provide general industrial education in the public schools and other institutions." ¹⁴⁴

This advocacy of industrial education supported by the government comes because trade schools have proven expensive to the employers when privately conducted, and because employers wish a sufficient supply of skilled workmen not obtainable under union restrictions on the number of apprentices.

More closely related to the conflict than its advocacy of industrial education at public expense, is the demand that the Association has made for drastic legislation restricting the sale and transportation of dynamite. ¹⁴⁵ Such legislation is desired because of the use that had been made of dynamite to intimidate the employer through the destruction of his property and of the belief that legislation can make detection of the dynamiter less difficult, if not discourage him entirely. The Association has resolved

"(1) That we urge upon the Legislatures of the various States the passage of laws regulating the sale, transfer, storage and use of dynamite and other high explosives, to the end that the greatest measure of safety and protection to life and property from the criminal use of said explosive can be secured with as little interference as may be with the legitimate and industrial uses of the same.

"(2) That we believe and therefore urge that the possession of a bomb or of a time-clock contrivance or other infernal machine accompanied by possession of dynamite or other explosive possible to be set off and exploded thereby, which bomb, contrivance or infernal machine is manifestly not suitable for any legitimate industrial use, should be made a felony, and that, in general, penalties should be provided for the criminal use of dynamite and other explosives sufficiently commensurate

with the enormity of the offense to afford a deterrent effect upon said use:

"(3) That we urge upon our National Congress the passage of laws on the above lines for the District of Columbia and the Territories, and also such laws as may be proper and expedient governing, regulating, or making criminal the transportation from State to State of high explosives, bombs and infernal machines."¹⁴⁶

Another phase of the conflict upon which the Association is a legislative proponent, is that of workmen's compensation laws. In this matter, it has shown a more "progressive" attitude than on any other form of legislation, for instead of attempting to block all compensation laws, it attempts to secure such laws as appear fairest to the employer, and thus to forestall radical laws, under which the employer must pay for all the costs of liability insurance and be liable for all accidents that occur in his shop or at his place of business.¹⁴⁷ To this end the Association has prepared and circulated a "Model Workmen's Compensation Act."¹⁴⁸ It claims credit for the enactment in several states of laws based upon this model. Its success in thus blocking drastic legislation in this field has led it to advocate similar action in other fields but employers do not seem to have taken heartily to the scheme. It has, however, opposed compulsory health insurance. The knowledge that one of its officials had of factory conditions affecting health, safety and sanitation, caused him to be called upon to aid in preparing questions and in grading papers of applicants for positions of factory inspectors.¹⁴⁹

The Association has also advocated legislation to make trade unions legally responsible for the acts of their officers, in other words, to cause the unions to incorporate or become quasi corporations, so that they might be sued in the name of the unions and the union treasury levied upon for damages.¹⁵⁰

The Association's Methods in Legislative Matters

have been until recently largely obstructive and political in nature. Its Counsel, Mr. Emery, watches the legislative situation in Washington closely. Whenever a labor union bill is introduced, he takes notice of it, and when it seems to be receiving favorable consideration by either House of Congress, he analyzes it, points out its features that are objectionable to the employer and presents arguments against the bill. This information is sent out in the form of Bulletins, "Washington Service Bulletins," letters and telegrams, to the members of the Association and the organizations affiliated with the National Industrial Council,¹⁵¹ "Through the well organized Washington service of the Association, members are promptly advised of all legislation directly affecting manufacturing interests."¹⁵² If hearings are held on the bills, the representatives of the Association appear before the committee having the bill under consideration and made arguments, ordinarily, against the bill.¹⁵³ If the committee is friendly, usually this suffices, but if not, then members are called upon to make protests against the proposed legislation — a method that the leaders confess is far more effective than any arguments that they can make.¹⁵⁴ Sometimes these protests are made in order to force a hearing on the bill before it is reported favorably out of the committee, and so usually delay its consideration by either House or Senate.¹⁵⁵ These protests are directed to the members of the committee, or to the chairman of the committee, and are in the form of letters and telegrams. Letters and telegrams of protest are also sent by the manufacturer to the representative of the district in which the manufacturer resides, or in which he conducts his business, or both, and to the senators of his state. These protests are employed when bills are before the House or Senate for final consideration and vote.¹⁵⁶ Manufacturers in person also call upon the members of Congress to make protests.¹⁵⁷ The various organizations affiliated with the National In-

dustrial Council are also aroused and send in resolutions of protest.¹⁵⁸ This action is usually deferred till the last moment, in order to save members from unnecessary trouble, and in order to make the protests more impressive.¹⁵⁹ President Van Cleave has urged, "Let every one of the 100,000 readers of *American Industries* write or wire the senators from his state and the representative from his district to stand out against all these attempts to enact class legislation and to denounce and defy the men who are attempting to create class distinctions in the community and to sow the seeds of class hatreds."¹⁶⁰ Sometimes the leaders wish to arouse all the employers and thoroughly intimidate the members of Congress; this is indicated by the following instructions by President Kirby to the 1912 convention,

"that when we go back to our homes we not only write ourselves, but get our business friends and associates around us, in clubs and elsewhere, to write to each of our Congressmen and Senators, take a list of the measures about which Mr. Emery has been talking, and say, '*We want to know how you voted on these bills, and how you are going to vote on those which have not been acted upon.*' I tell you a few letters of that kind, going to each one of these men, will scare the life out of them, and have a wonderful effect, and possibly prevent some of this legislation."¹⁶¹

Immediate consideration of a bill has been prevented by an appeal of the Association's Counsel to the Committee on Rules, and thus time for the arrival of the protests has been secured.¹⁶² Letters of protest have likewise been sent to the President of the United States, in which he is asked to use his influence with Congress against the bill, or in case the bill has passed both houses, that he veto it.¹⁶³ In 1913, *American Industries* reports editorially in regard to protests to President Wilson against exempting labor unions from prosecution under the Sherman Anti-Trust Act that "It is

doubtful if any President has ever been appealed to more earnestly by business men throughout the country than in the protests lodged with him urging executive disapproval of the policy of class legislation now sanctioned.”¹⁶⁴ Many labor bills have been killed in committees, probably selected for this purpose because of the unfriendliness of the majority of the members to any labor legislation.¹⁶⁵ Ex-Congressman Littlefield, a former member of the Judiciary Committee of the House of Representatives, has thus testified as to how labor bills have been killed in that committee:

“The gentleman who will appoint that committee . . . will be a man by the name of Joseph G. Cannon, and when he appoints the Judiciary Committee in my judgment it will be *a committee that will see that nothing but wise and judicious legislation is reported therefrom. . . .* One of the members of that committee heretofore, who I have no doubt will be a member again, is my friend, Mr. Malby of New York, whom I had the greatest pleasure of receiving on the Judiciary Committee in his first term, as a member of my subcommittee to which . . . all this interesting legislation . . . was referred. *By some curious combination of parliamentary circumstances it came into the hands of that subcommittee of which I was chairman, and my friend here was the other Republican member. And allow me to suggest to you that it came to an almighty good place, where it was properly taken care of.* I do not hesitate to assume now the individual responsibility of guaranteeing that Mr. Malby will stand like a rock in connection with these legislative propositions, no matter what the storms may be. This Association will find in him a warm friend and an active supporter.”¹⁶⁶

These remarks were received by the convention of the Association with applause and laughter, which indicated that the members fully understood the services that Littlefield and Malby had rendered the Association. But the character

of the bills thus killed and the need for such a disposal were shown by another statement of Mr. Littlefield:

"There never was a time from the day when I became a member of the House in 1899 until I left it in 1908 when if any of the legislation demanded by the American Federation of Labor, which intended completely to license and legitimize the interstate boycott and denaturize the right to do business — there never has been a time during that period, if that legislation had been reported from the Judiciary Committee when it would not have passed the House of Representatives by a large majority in my opinion." ¹⁶⁷

The Association, however, has found it necessary at times to take action to prevent important congressional committees from being composed largely of men who had made up their minds to force labor-union bills through Congress, for example:

"When the Democratic party assumed control of the House in 1911, pledged by its platform to some of these objectionable principles of legislation, the members of these associations [N. A. M. and N. I. C.] were urged and in many instances did communicate with those authorized to form the committees of the House, urging without the mention of a single name, that such committees be composed of men who had not prejudged these highly important issues." ¹⁶⁸

In such matters, widespread influence was solicited, an instance of which is: "I think every person can have some influence, and every one should feel it to be his duty to assist this Association *in bringing to bear any influence he may have with any Representative*. Those who seek election pander to those who are in the majority." ¹⁶⁹

According to Mr. Emery, the Association has been able to bring strong enough pressure upon prominent public men to cause them to reverse their position upon important measures:

"For instance, at the time the Hepburn Bill was introduced, John Sharp Williams, minority leader on the floor, during his filibustering tactics, said that they would help the President amend the Sherman Anti-Trust Law, that they would help him pass the Hepburn Bill, and they made a big fuss about it. *After we got in touch with the Southern organization and brought this statement to their attention, twelve days after that, Mr. John Sharp Williams went before the American Academy of Social and Political Science at Philadelphia and delivered the most drastic and bitter criticism of the Hepburn Bill that has come out of the mouth of any public man.* In that he showed a marvelous facility and adaptability to circumstances." ¹⁷⁰

Political Activities; Party Platforms.—In influencing legislators, it has unquestionably entered the field of politics, although its leaders have strenuously denied that the Association is or has been in partisan politics.¹⁷¹ Because of this denial, it is necessary that evidence from its own publications be offered here to show something of the character of its political action. Not only have its leaders engaged in politics on their own account, but they have taken part in matters where the support of a large number of its members was essential to the success of the undertaking. For example, the successful opposition to the insertion of labor planks in the Republican platform in 1908, in which the leaders called upon the members to send in telegrams of protest, and these were sent in such numbers as to swamp the Committee on Resolutions of that party. An official report on the Association's sub-organization, the National Industrial Council, states the method used:

"This powerful influence was used effectively during the Republican National Convention, in 1908, when, after planks had been inserted in the Republican platform pledging the party to notice-and-hearing-injunction legislation and to an amendment to the Sherman Law which would exclude organized labor from its criminal provisions, *in response to request made by the*

*Council of its affiliated organizations, it was estimated that from 30,000 to 40,000 telegrams poured in on the resolutions committee in one day, protesting against the party putting itself on record as approving of such measures; and as a result of such a flood of protests, backed by the forceful argument of Mr. Emery, the objectionable planks were stricken from the platform after they had been adopted by the resolutions committee."*¹⁷²

The Association has claimed credit for the part it played in this matter, so there can hardly be any reasonable doubt as to its political activities on this one occasion. While it did not attempt to influence the Democratic platform in 1908, its passed resolutions authorizing and instructing its President to select a committee to attempt to prevent certain labor planks from being adopted in the platforms of either party. It made an effort to influence both Democratic and Republican platforms in 1912,¹⁷³ and accordingly it cannot be charged with being at all times partisan to the Republican Party, although it usually favors that party for its friendly attitude towards business. In 1920, the N. A. M. outlined a "Platform for American Industry," submitted it to both Republican and Democratic Parties, and urged employers to work for the adoption of the planks found therein. Both parties, at the solicitation of the N. A. M., accepted some of the ideas in the Platform, but the Republican Party embodied a number of the planks almost verbatim in its platform.¹⁷⁴

Political Campaigns.—The Association did not openly and vigorously engage in politics until 1906. Prior to that date, its political activities are hinted at in its publications. In 1904, for instance, we read, "At last the business elements and the good citizenship are coming to the support of the men in public life."¹⁷⁵ According to John Kirby, the Association "has wielded a tremendous influence . . . in making ineffective the political boycott in the last general

election [1906], when the stamp of 'unfair' was placed upon all candidates for re-election to Congress who exercised the courage of their convictions with respect to the anti-injunction and eight-hour bills and who without exception were re-elected in their respective districts."¹⁷⁶ Charles E. Littlefield of Maine was one of the representatives whom the Association aided in nominating and electing.¹⁷⁷ Although the Association has endorsed and aided other candidates for public office, it has not bestowed upon any of them as high an endorsement as it has given to Littlefield in the form of laudatory resolutions.¹⁷⁸ Among the other men that the Association supported in 1906 are Joseph G. Cannon, Barthold of Missouri, Jenkins of Wisconsin and others whom the Association leaders seem to have believed it unwise to name.¹⁷⁹

The Association took an active part in the campaign of 1908. The legislative fight in Washington was transferred to the Republican Convention, and then into the open field of political appeals and attacks.¹⁸⁰ A severe attack was made upon Bryan and the Democratic platform by the President of the Association, Van Cleave, and its Counsel, Emery. Van Cleave said among other things, "*The result of the convention has made it the duty of the employing interests regardless of party to bury Bryan and Bryanism under such an avalanche of votes that the work will not have to be done over again in 1912.*"¹⁸¹ In this he appealed to the employing class, but later in the campaign he widened his appeal to the entire capitalist class by saying, "Because of Mr. Bryan's public advocacy of such issues as government ownership, guaranteeing of bank deposits, anti-injunction legislation, tariff for revenue only, business franchises, and his failure to deny his known attitude toward the free coinage of silver, *it is imperative that business men of all classes, regardless of politics, oppose Mr. Bryan at the polls.*"¹⁸² Emery said in part that, "Stripped of its obscurities, the

court plank of the Democratic platform means the invasion of the judicial power by the legislative and the upsetting of the fundamental division of our powers of government. It masks a serious danger in American institutions.”¹⁸³ Editorials in the official publication of the Association — *American Industries* — were as distinctly political in character as those in a partisan newspaper, but the partisanship was in the interests of the employer, not of a party machine.¹⁸⁴ *American Industries* as early as March 1, 1908, displayed in large type on the front cover the following: “Go into politics! Employers must fight labor class legislation, and must fight it now. The battle is for good government for capital and labor alike, for personal liberty for every man in the community, of every station and occupation, and for honest, stalwart, clean-handed Americanism. Go into politics!”¹⁸⁵ In the face of its own official statements, it seems idle for its leaders to say, as they have, that: “The Association is not in politics, it never has been in politics, it is safe to say that it never will be.”¹⁸⁶ Nor are matters helped when its leaders say that Van Cleave, for instance, acted as an individual, or when they point out that its great political accomplishments were due to a sub-organization.¹⁸⁷ Its politics might be characterized as bi-partisan, as its members were to drop all party affiliations and watchwords, and the partisan badge, Republican or Democrat, which a candidate carried must not count for anything with them; so reads the repeated advice given them.¹⁸⁸ Nevertheless, the Association worked for Mr. Taft so effectively that its “work told decisively in the general result. Never before in any campaign, not even in 1896, did the business element of the country rally so promptly or work so harmoniously, enthusiastically or effectively, as in 1908. . . . One of Mr. Taft’s first utterances after the election was that, in a large degree, he owed his victory to the support which the business men of all parties gave him.”¹⁸⁹ That its action was

partisan before the campaign was over is clear from the appeal of Mr. Van Cleave quoted above, but its support of Mr. Taft and generally of Republican candidates for Congress, shows that it does not want its enemies elected and its friends defeated.¹⁹⁰ The Association is made up of manufacturers, a majority of whom favor the Republican principle of a protective tariff, to secure which was one of the purposes for the formation of the Association.

Political Endorsements and Condemnations.— Its political activities have continued since 1908. Even in 1914, following close on the noted Mulhall exposure of its political activities, the Association adopted a resolution to support its friends and oppose its enemies for public office, as follows:

“Resolved, That it is the patriotic duty of the individual members of this Association in their respective communities *to encourage and endorse* the honest efforts of those who are faithfully endeavoring to foster constructive thought and measures in State and National Legislation and to appeal earnestly to American citizenship *to condemn and displace* those self-appointed or politically promoted demagogues who seek to perpetuate themselves in the administration of public affairs by any means or measure, no matter what the economic effect so long as such seem to promise temporary popular votes.

“*Resolved further*, That the members of this Association be asked to distribute this resolution widely in their respective communities.”¹⁹¹

A close reading of the literature of the Association from 1903 to date will show in a general way that it made no serious attempt to conceal its political activities, such as were “revealed” in the noted Lobby Investigations. This literature indicates in addition that the Association took more than ordinary interest in the appointment of the judges of the Supreme Court of the United States; in fact, it gives the highest endorsement to the appointments by President Taft

of Charles E. Hughes and Horace H. Lurton.¹⁹² These activities may well be summarized here. The Association has endorsed, or supported, Cannon, Bartholdt, Jenkins, Malby, Watson, Smoot, Fowler, Charles E. Hughes, Brantley, Nye, Hoke Smith, Brown of Georgia, Littlefield, McCall, Longworth, Crumpacker, Hepburn, Sherman, Harding and Taft; and in fact practically all public officials who have won the enmity of the American Federation of Labor.¹⁹³ One of the purposes of the much-discussed "war fund" was to aid certain members of Congress and of the state legislatures against the political attacks of organized labor.¹⁹⁴ On the other hand, the Association has opposed or condemned all the public officials noted for their support of labor-union measures. This opposition has sometimes been conducted by a published list of the votes of such men on measures strenuously opposed by the Association,¹⁹⁵ sometimes by a reprint of the "white list" of the American Federation of Labor, so it could serve as a "blacklist" for the manufacturers.¹⁹⁶ Among the members of Congress who have been thus listed are La Follette, Jones, Pomerene, Thomas and Norris — all senators¹⁹⁷ — and Wilson, Lee, Martin, Cary, Berger, Hughes, Buchanan, McDermott, Lewis, Smith, Anderson, Sherwood, Roberts, Farr and Maher — all representatives.¹⁹⁸ It is interesting to note that McDermott was on the list at one time, yet he figured prominently in the Mulhall exposure as a Congressman charged with having rendered valuable but questionable services to the manufacturers. There are other cases similar to this, where denouncements have turned into endorsements or vice versa. In 1906, Roosevelt was endorsed in the very highest terms, but later condemned as a dangerous damagogue.¹⁹⁹ In another case, Curtis Guild, Jr., was denounced in the strongest terms, but later rose so in the favor of the manufacturers that he became one of the principal speakers at the annual banquet of the Associa-

tion.²⁰⁰ To appear thus before the manufacturers of the country is to have an unusual opportunity to plead one's cause with the employing class, or to receive the applause of employers for services rendered.²⁰¹ This privilege has been conferred upon Cannon, Beveridge, Brantley, Littlefield, Nye, Fowler, Taft, Charles E. Hughes, Straus, Watson, Speer, Shaw, Fordney, Hedges, Mudd, Hanson, Nagel and Harding and on some of them repeatedly.²⁰² Sometimes the toastmaster has informed the Association, that the speaker has rendered great service to the Association, and sometimes the speaker has related the stirring events in the fight that he has made in support of the principles of the Association.²⁰³ Hon. Charles Nagel in his banquet address admitted that Mr. Emery and others of the N. A. M. gave him the Association's viewpoint.²⁰⁴ The Association usually places on its "white list" those congressmen that the American Federation of Labor "blacklists." One of these double lists contains the names of Jenkins of Wisconsin, Parker of New Jersey, Alexander of New York, Littlefield of Maine, Nevin of Ohio, Palmer of Pennsylvania, Gillett of California, Terrell of Massachusetts, Sterling of Illinois, and Foster of Indiana,— these men are on the union "blacklist," and so on the Association's "white list," while the reverse holds for the other Republican members, Birdsall of Iowa, and Pearre of Maryland, and all the Democratic members of the house Judiciary Committee at that time, 1906.²⁰⁵ The Association has urged members to find out the members of Congress who vote against labor legislation and support these, and to get the names of those who have voted for such legislation "and see that they do not go back" to Congress.²⁰⁶ Its leaders have solicited members to break party lines, to forget party affiliations, yet at times have advocated the formation of a new political party based on the principles of the Association.²⁰⁷ They, however, decided that the undertaking was too great for the time being,²⁰⁸

and after the Republican Party, apparently frightened by this threat, had adopted a "sane" platform and nominated a "safe" candidate for President in 1912, they satisfied themselves by making a severe condemnation of the Democratic and Progressive parties, and an unqualified endorsement of the Republican-Party platform and candidates.²⁰⁹ In general, the Association has been one of Taft's strongest supporters. Its endorsement of him in 1909 was of the highest, and among other very commendatory things, it said of him, "We have confidence not only in Mr. Taft's integrity and public spirit, but also in his progressiveness and balance."²¹⁰ But it had to whip him into line, partly by an article on "Where Does Taft Stand?" when he played to the labor vote in a public address.²¹¹ His appointments of justices to the Supreme Court of the United States were heartily concurred in by the Association.²¹² Association leaders endorsed Mr. W. G. Harding for the Presidency of the United States a number of years ago, and naturally supported him in the pre-convention and pre-election campaigns.²¹³ His election was a triumph for the manufacturers, and a crushing defeat for unionism. The Association "commended, approved and endorsed" Charles Nagel as Secretary of Commerce and Labor, but opposed the appointment of William B. Wilson as Secretary of Labor, and has condemned him as Secretary as it formerly censured him as Congressman.²¹⁴ Gifford Pinchot has likewise been condemned for "inciting class hatred."²¹⁵ The Administration of President Wilson has also come in for condemnation for its "hostility to business."²¹⁶ Mr. Hughes was supported for President of the United States in 1916, and one of his strong attacks upon the Democratic Regime seems to have originated with or to have been first expounded fully by Mr. Emery.²¹⁷

Expose Labor Vote; Urge Business Men to Go into Politics.—The Association has repeatedly stated that labor

threats mean nothing, and that the labor vote cannot be delivered. It does this in order to convince politicians that they need not fear an adverse labor vote for opposing labor measures, and that they cannot depend for election upon the unions; — in reality, this is the method by which the Association frequently boasts of its political victories.²¹⁸ It has importuned business men to go into politics all along the line — to take part in the various political meetings, the primaries and the conventions, as well as in the general elections. It has practically adopted as a slogan, "Send Business Men to Congress." Business men are importuned to become candidates for public office, and to seek places on administrative tribunals and commissions. It has complained of the lack of business men in Congress, and has agitated for "more business men and fewer lawyers in Congress,"²¹⁹ "more business men in Congress, more business men in the Legislature, more business men at the polls on election day,"²²⁰ and had pointed out that "The business man has been going to the courts when he ought to go to the legislature."²²¹ *American Industries* has published an article advocating that corporations lend their officials, on full pay, as candidates for public office and as public officials, on the ground that it is "far better for business to make its contributions to Congress in men than in money and in the open rather than by the insidious methods of intrigue and the lobby."²²² In a propaganda sense, the Association has been continuously in politics, condemning political agitators, reformers and socialists, and their parties and measures,²²³ but as to "practical politics"²²⁴ it has not always been willing to concede its activities such as the above statements by their leaders would seem to prove when taken in connection with these admissions: "The business men were in politics in 1908, and they intend to stay in politics."²²⁵ "Frank admission was made by James A. Emery that the National Association of Manufacturers

maintained a watch on Congressmen who took a conspicuous part in labor legislation and that the organization opposed such men in political campaigns.”²²⁶ “This Association cheerfully admits its participation in the *campaign against it* in the last national political contest, in which Gompersism suffered a humiliating defeat at the polls.”²²⁷ It complains that it has “been made the football of politics.”²²⁸

As to the Mulhall exposure, a few words of testimony from Mr. Watson, given in 1909, show that Mulhall was not alone in his political work, that others took part, doubtless, in not so discreditable a manner as Mulhall said he did:

“When my friend Littlefield, and dear friend Charlie Fowler, who always does the right thing, and I went to Congress, the organization assembled here to-night was not so forceful as it is now, and men who wanted to do things along the right lines were not intelligently and forcefully backed up and reinforced, and therefore men who wanted to do the right thing felt that they would take their political lives in their hands and march to martyrdom. *It is not so now. With you gentlemen intelligently and forcefully backing up Congressmen who stand for right principle and right action and correct legislation, there need be no doubt as to the future.* I congratulate my friend here upon the splendid work he has achieved, for no more gallant knight ever buckled on a sword and went out to the conflict than my friend Van Cleave. The same is true of my old Hoosier friend here, Parry, and others of this splendid organization, and I am glad to mention the names of Schwedtmann and Emery and Mulhall and Miles and Cobb and Towne and all these other men who from time to time have come to Washington to lend their efforts along correct lines and in the proper way.”²²⁹

Defending the Courts.—In judicial matters the Association has received no prominence as it has left the matter of litigation to the American Anti-Boycott Association,²³⁰ or League for Industrial Rights. It has, however, been one of the staunchest defenders of the courts in the issuance of in-

junctions and in declaring laws unconstitutional — an exercise of powers that the American Federation of Labor has fought in relation to labor disputes and labor laws.²³¹ It has not hesitated, however, to condemn a judge for “incendiary language and encouraging violence” when he gave a decision in favor of a “union conspiracy.”²³² Before the thorough organization of the American Anti-Boycott Association in 1903, the National Association of Manufacturers authorized the selection of additional counsel to defend members by means of injunctions so that union sluggers might not intimidate “strike-breakers,”²³³ but it has generally limited itself to a propaganda for law enforcement in labor disputes rather than to undertaking litigation.²³⁴

Law Enforcement.— Law enforcement against criminal unionists is demanded by the Association with much the same vigor that it complains against too many laws and opposes labor laws. It has pled for law enforcement as a means to check radicalism.²³⁵ It has urged “upon the Federal and State authorities to investigate vigorously and thoroughly *all labor organizations* and where their acts are found to be illegal and in restraint of trade or commerce, or otherwise in violation of law, to punish the parties responsible for every such violation according to the punishment prescribed therefor.”²³⁶ Members have been thus instructed: “Get busy with the officers of the law who have not upheld the law and who have not been honestly and earnestly enforcing it and punishing those who violate the law and who have been and are still law-breakers and head-breakers striking at the liberties of men and our institutions.”²³⁷ That it had more than usual interest in the prosecution of the McNamaras is shown (1) by the reception that it gave to the prosecuting attorney, John D. Fredericks, on the occasion of his visit to New York, where a hundred or more members met him and commended him for his success in that case,²³⁸ and (2) by President Kirby’s remark to

the members at the eighteenth annual convention that they "were largely responsible for setting the wheels of justice in motion."²³⁹

Instances of its propaganda activity for law enforcement are to be found in the publication of court decisions in certain cases; and the results of that propaganda, according to the leaders of the Association, have been that "the courts have taken the same attitude towards the unions that the Association has taken" from the beginning of its aggressive career.²⁴⁰ It has shown that cities are liable for damages to property resulting from the lack of protection by the police during labor troubles, and that it is to the interest of the municipality to enforce the laws during such times.²⁴¹ It has pointed out that closed-shop agreements are unlawful,²⁴² and given much publicity to all favorable court decisions, for example, to show that the use of force makes a strike unlawful, or such as was rendered in the Danbury Hatters' case.²⁴³

The Association's Propaganda is clearly the most extensive of any association in the field, both in number of pieces of literature and in the range of classes that the organization attempts to influence. It attempts to impress "upon the workingmen of this country the fact that their employers are their friends,"²⁴⁴ as well as to convince employers that their interest lies in hearty co-operation with the Association, and to make politicians believe that it is unwise to enact legislation regarded as inimical to the interests of the employer. The underlying theory of this propaganda is that "Public opinion is the guiding force in this nation today."²⁴⁵ The Association is thus endeavoring to offset the campaign of the unionists and reformers, and it gives reasons such as these for this activity:

"The newer issues—those which are caused by a determination of some of the labor union leaders to terrorize President, Congress, judge and juries, and make the labor societies

a favored order in the community — we must combat by educating employers and people in the principles of good citizenship, and by closer co-operation among the various societies of employers.²⁴⁶

"We find the cause of industry today confronted by many enemies. The trade unions seem to be honeycombed with them, the socialists are meeting with favor in high places, and there seems to be a growing sentiment among the people antagonistic to conditions essential for the best industrial development. Industry unquestionably has its battles to fight, and it needs strong, earnest men to fight them, and also strong earnest organizations. Such an organization is the National Association of Manufacturers."²⁴⁷

The Association, in 1914, resolved to extend its propaganda "through as many and various channels as possible to the end that public opinion may encourage and stimulate all those forces which generate our industrial life," because "Success now in a material sense seems to be regarded by many as wholly inconsistent with personal integrity and business probity."²⁴⁸ The channels and means used in the past have been its own official publication, *American Industries*; its pamphlets, "Educational Literature" and others; convention reports; magazines such as the *Century*; and speakers, usually its own officers. It has also proposed to put out propaganda literature as "public news" and not as issuing from the Association on the assumption that matter issued under the Association's stamp "is naturally discounted."²⁴⁹

American Industries.— The Association began its propaganda, or "educational" campaign in 1902 with the publication of *American Industries* on August 15 of that year, and a great part of its propaganda has been conducted by means of that instrumentality ever since. It preaches the gospel of the employer.²⁵⁰ Its first editorials more openly recognized the conflict than many later ones, for the manu-

facturer was thus appealed to: "If the time to prepare for war is when peace broods over a country happy and undisturbed, then he cannot afford to think lightly of this great issue of the day";²⁵¹ while labor leaders and lobbyists were charged with having brought on the conflict: "They have brought on the issue of the day. Will the manufacturers meet this united onslaught upon their own best interests — and, as it happens, unfortunately, upon the best interests of the country and of every community in it that has in it the good red blood of industrial life?"²⁵² The character and function of this publication have thus been described in its own pages:

"*American Industries*, the official organ in magazine form of the Association, is published monthly and circulated among the manufacturing and other business classes of the United States. This magazine does not encroach on the special fields of the trade periodicals, but is devoted to the enlightenment of the public generally on questions of the day, having direct connection with such economic conditions as labor, immigration, industrial education, development of international commerce and similar important subjects of national interest."²⁵³

"Through its official organ, *American Industries*, which has a wide circulation among manufacturers, statesmen, educators and working men, the Association is constantly engaged in influencing public opinion to take not a one-sided but a broad minded view of the great industrial problems which have in recent years so pressed for a solution."²⁵⁴

"It is freely circulated among Congressmen and other Government officials, social clubs and commercial organizations. . . . The employer of labor, wherever located, is now beginning to realize that only in *American Industries* will be found the latest and most accurate news of local and general labor activities."²⁵⁵

"*American Industries*, the manufacturer's magazine, is the authoritative exponent of the interests of the employers of America, reflecting every phase of their activities in the industrial arena."²⁵⁶

Employers have been urged to distribute the magazine "educationally" as a means for establishing the "open shop" widely, and the United States Steel Corporation has been held up as a model to other employers as an "open-shop" concern:

"A hint to you, Mr. Employer. The United States Steel Corporation employs 120,000 expert workmen. In 1901 three-fourths of the force consisted of union men; today every single one of its many plants is conducted upon open-shop rules. This great corporation believes in the labor principle of the National Association of Manufacturers that 'employers must be free to employ their own people at wages mutually satisfactory, without interference or dictation on the part of the individuals or organizations not directly parties to such contracts.'

"Mr. Employer, you are interested in the open-shop movement based upon this principle. *American Industries* is the official organ of the movement. The very least that you can do in your own interest and in the interest of the cause is to place copies of *American Industries* where they will do some good. We can tell you how." ²⁵⁷

Although its purpose has been to "assist in the solving of industrial problems and industrial differences," ²⁵⁸ it seems not to have accomplished all that was expected of it, for its partial failure is stated as follows by an Association leader:

"Our *American Industries* goes out in an educational way, but it does not reach the masses of the people. We must reach them. It is absolutely essential that we do or our organization and our Council is going to fall back, and back. . . The suggestion we have to offer is that this Association establish a bureau to send out its doctrine and if necessary pay for its publication in the leading papers of the United States. It is an enormous undertaking; it will cost a great amount of money. And yet it will pay a good dividend and we believe . . . it is absolutely the only solution of the question." ²⁵⁹

The fact is that many of the members of the Association do not read *American Industries*.²⁶⁰

Influencing the Press.— While the Association has not yet taken up the matter systematically, it has made through its leaders, various attempts to influence the press, on the grounds that the press molds public opinion and public opinion makes the laws.²⁶¹ The Association has been especially desirous of influencing the publications that reach the workingman, so as to get its side before him, and counteract radical agitation.²⁶² In doing this, the Association has urged upon employers the patronage of friendly publications and the withdrawal of advertising from the unfriendly ones. In other words, it engages in a form of "boycotting." *American Industries*, in November, 1911, calls a "Union Labor's Preferred Trading Register," "A new form of boycott,"²⁶³ yet it has published lists of "Open-Shop Concerns," and even reprinted the "We Don't Patronize" lists of the American Federation of Labor, so that the members of the Association could use those for Patronage Lists.²⁶⁴ One of its head-lines reads in regard to the unions, "How they boycott magazines; papers for others to patronize."²⁶⁵ An Association leader has wished to declare a "boycott" on all "labor" papers:

"In other words, Mr. Advertiser, who must from necessity be an employer, you are not only not assisting the members of a labor union in placing your advertisement in a labor journal, but you are furnishing part of the money which is being used to inflame your employees against you and stir up the worst possible kind of class hatred not only against yourself and other manufacturers but against the honest workmen employed by you, who may object to joining any organization which attempts to create class hatred."²⁶⁶

In this case, the advice was published in a section of *American Industries* devoted to communications for which it did not assume responsibility. But when Ex-President

Kirby called upon the *Railway Age Gazette* to retract a statement that the Association was engaged in a campaign to destroy unionism, he said rather plainly that, "*Many members of the National Association of Manufacturers are readers and supporters of your worthy publication, and they expect you to correct the objectionable reference to their organization.*"²⁶⁷ And in a signed statement as to the means of greatly lessening anti-employer agitation and thus ending the unrest he declares that, "*This condition will change only as advertisers withdraw their support from newspapers and other publications which seek circulation through means that are destructive of the real welfare of the people and especially damaging to the interests of those who support them with their advertising.*"²⁶⁸ Furthermore, business men are told that all the legislation unfavorable to the employer is the result largely of their failure to boycott the "muck-raking" publications.²⁶⁹ On the other hand, other publications have been recommended for patronage, for instance:

"Among the magazines, the *Century* has been foremost in the publication of articles condemning the lawless and unjust methods of labor unions. Many highly commendable articles of such character have not only appeared in its pages, but they have been printed in pamphlet form as well, and freely distributed. I need hardly say to you that such publications should receive our patronage in preference to those whose columns and pages are filled with cheap sensational trash tending to breed discontent, chaos and anarchy, and it is well that we remember this."²⁷⁰

The *Sunset Magazine* was highly recommended to business men, by a resolution, for its articles on unionism in the ship-building plants.²⁷¹

The N. A. M. tries to stifle all radical agitation. In 1908, the Association adopted a resolution condemning "the excesses of agitation under the guise of moral crusade, such as

child labor, railway reform, and similar movements." The resolutions as originally presented included prohibition.²⁷²

In 1920, the Association took further steps to stifle agitation that might cause social unrest. It adopted a resolution which declared that it was the duty of every business man to challenge any statement in the public press, if he knew such statement to be untrue or misleading and which might cause social unrest; and the Board of Directors was asked to consider the proposal for a "publicity campaign," "A nation-wide drive to furnish all of our people the single fundamental facts which must be the basis of successful industry and successful industrial nations."²⁷³ For the year 1919-20, the Association had spent the sum of \$5,484.68 for publicity.²⁷⁴

"Educational Literature" and Other Publications.—The Association has issued many publications other than *American Industries*, designed to influence public opinion as to matters in which the organization was interested. Among its early pamphlets are "Disastrous Effects of a National Eight-Hour Law" by David M. Parry, "Eight Hours by Act of Congress; Arbitrary, Needless, Destructive, Dangerous," and "True Meaning of the Open Shop," by James Van Cleave. But more recently, a series of "Educational Literature" has been begun, and in September 1921 had forty-nine numbered issues, a majority of which contain severe attacks upon various union activities. A number of these are now out of print. These booklets, "devoted to matters directly affecting the interests of manufacturers and designed to better the relations of employers and employees, are published by the National Association of Manufacturers for free circulation and may be procured by addressing the general offices, 30 Church Street, New York":—so reads a statement above the list of the booklets.²⁷⁵ Practically every issue of *American Industries* contains a list, and members are urged from time to time to

aid in the distribution of these booklets. Every student of labor problems may well read these, both for the viewpoint they present and as a study of one of the means "designed to better the relations of employer and employees."²⁷⁶ A summary of a number of them is found in No. 26, "Closed *vs.* Open Shop Unionism," which is compiled chiefly from other pamphlets in the series, and has for its stated purpose to give "authentic information for students of economics," "facts for debaters and others seeking light on the principles of trade unionism."²⁷⁷ Recently, the material in this pamphlet has been supplemented by an extensive "Open Shop Encyclopedia for Debaters." It has issued pamphlets on "The President and the Courts," "The Buck's Stove and Range Company *vs.* the American Federation of Labor," "Bolshevism, Self-Defined and Self-Convicted," and on "Governmental War Agencies Affecting Business." It has prepared and circulated the "Bulletin of the National Council for Industrial Defense," the "Industrial War Service Bulletin," and "Review and Digest of Industrial Legislation." In connection with the National Erectors' Associations, the N. A. M. has distributed booklets upon "The Story of Duluth and the Open Shop," "To Build Open or Closed Shop, Which?" "Restriction of Output in the Closed Shop."²⁷⁸ In 1920, the N. A. M. added to its "educational literature" a series of ten pamphlets by Professor J. Laurence Laughlin, under the caption of "Tracts for the Times." Their titles are: "The Solution of the Labor Problem," "Management," "The Hope for Labor Unions," "Monopoly of Labor," "Is Labor a Commodity?" "Socialism a Philosophy of Failure," "Wages and Prices — What Are Prices?" "The British Industrial Crisis," "British and American Labor Problems," and "Extravagance."²⁷⁹

That the Association realizes the value of debates in influencing public opinion, is shown by the fact that prior to

the publication of the booklet for debaters, it aided college teams which opposed the closed-shop side of the question, and to such an extent that its leaders claimed in one year that the union side had lost every debate. In such cases its responses were prompt and liberal in the supply of data and documents, so much so that it sent out even its list of members, published for confidential use only,²⁸⁰ and in one month supplied "forty-two sets of pamphlets to debating societies in schools and colleges in the State of Nebraska alone."²⁸¹

A further indication of the wide distribution of literature by the Association is shown by the number of pieces distributed in one year. In the year 1910-11, it "distributed nearly three-quarters of a million pieces of industrial literature. This included over 330,000 copies of *American Industries*, in its three editions, 12,000 copies of *American Trade Index*, and the balance represents the distribution of printed pamphlets on the various policies and principles" which it advocates.²⁸² This great distribution may have been partly the result of a resolution for the placing of copies of the Association's "principles, year books, *American Industries*, and other literature in the public and leading libraries throughout the nation."²⁸³

Addresses and Revival Meetings.—The Association considers that it has in general three agencies by which it spreads its gospel; one through the moving pictures, one through its printed literature, and the third through public addresses.²⁸⁴ President Kirby thus reported in 1910 on the latter agency:

"In addition to the dissemination of our literature, through the mails and otherwise, the matter of personally addressing organized bodies has received our thoughtful attention, invitations having been accepted wherever they have furnished an opportunity for educational work.

"Mr. Emery has responded freely to all such calls where possible to leave Washington without jeopardizing the inter-

ests which he is so faithfully guarding while Congress is in session. Taking as his subject, 'The Business Man and Legislation,' he has delivered addresses in twenty-four cities before organizations such as Boards of Trade and Chambers of Commerce, Commercial Clubs, Citizens' Industrial, Social and Political Science, and others.

"Mr. Van Cleave, while on his trip to the Pacific Coast last summer addressed a large number of organizations on topics in which this Association is particularly interested. Our General Manager, Mr. J. P. Bird, choosing as his theme, 'The Work of the National Association of Manufacturers and of the National Council for Industrial Defense,' has addressed meetings in fourteen cities and attended conferences on various subjects of interest to the Association in as many more cities. . . .

"Your President has responded to invitations to speak before organizations in ten cities, and in most instances the addresses were published in full in the daily papers, while the papers of most of the other cities printed liberal excerpts. Thus through the medium of the daily press wide publicity has been secured. I think that I can say with confidence that never before in the history of the Association has its work been more fully presented, or its influence more widely extended." ²⁸⁵

In a report to the convention in 1911, it was stated that, "in the matter of public appearances, it is roughly estimated that your President and his associates and colleagues have, during the past year, spoken to a quarter of a million persons. So that through our printed literature and combined public appearances and addresses it may be said that we have directly reached a million of persons. If we should add the countless columns of press notices given to our official utterances and our attitude on public questions, I am advised, and I think, that the assumption is fair, that through our various activities during the past year fully fifteen million people have heard and read of the objects and purposes of our Association." ²⁸⁶ A part of the campaign

of that year was carried on out on the Pacific Coast where a series of "missionary or revival meetings" was being conducted by western associations, but in which President Kirby and General Manager Bird of the Association were the main evangelists.²⁸⁶ Such "missionary or revival meetings" to convert or bring back to the cause the outside employer, have been conducted by the Association at intervals since that time. In 1912, for instance, meetings were held in the eastern half of the United States, in the following cities: Cincinnati, Providence, St. Louis, Milwaukee and Boston. These meetings were addressed by the speakers named above and Mr. Emery, Counsel of the N. C. I. D. and by this method the Association enrolled some four hundred new members. In 1919 and 1920, another series of missionary meetings was held in San Francisco; Newark, New Jersey; Pittsburgh, Penna.; and Cleveland, Ohio. President Mason, Mr. Emery and Mr. Bird addressed these meetings, which added over 270 members to the Association.²⁸⁷

The Association, however, has not confined its propaganda to gatherings of business men; its leaders have spoken before other bodies. For several years, it has had representatives before the American Academy of Political and Social Science; for instance, in 1912, it was represented by Kirby, Bird, Boudinot, Nevin, and Kinsley,²⁸⁸ while in 1915, the representation was composed of Boudinot, Kinsley and Keough.²⁸⁹ Mr. A. Parker Nevin, General Counsel of the Association, has spoken also at the Ohio State University,²⁹⁰ and before such bodies as the University Club of Bridgeport, Conn., and has engaged in a three-cornered debate at Greenwich House in New York City, defending the "open shop" against both the "closed shop" and the "preferential shop."²⁹¹ John Kirby, Jr., assisted by Joseph W. Bryce of the Trades and Workers' Association, likewise defended the "open shop" at a debate held at the University Forum

of New York University.²⁹² Kirby delivered his address on "The Disadvantages of Labor Unionism" before the Young Men's Hebrew Association of New York City,²⁹³ and the one on "Cruel Unionism" before Kenyon College.²⁹⁴ Parry, Van Cleave, Kirby and Emery have each appeared many times before general audiences throughout the country, and many instances of similar addresses might be cited here, all in addition to the propaganda for ship subsidies, permanent tariff commission, and other non-labor matters.²⁹⁵

Enlisting Public Support.— The Association endeavors through its literature and addresses of its leaders, to enlist the support of the general public in its cause. So great is its desire to do this, that its leaders "believe that the most effective work of this Association will develop through the dissemination of literature and by public addresses which proclaim to all the people the principles for which the Association stands. *And through these agencies we aim to reach more particularly the preachers, the educators and the politicians,* to which classes alone more than 47,000 pamphlets have been mailed during the past six months."²⁹⁶ After that, in that year, 1910, the Convention of the Association recommended to its directors and officers that they place "copies of its principles, year books, *American Industries*, and other literature in the public and leading college libraries throughout the nation."²⁹⁷ It wishes to place its literature "especially before the editors, the clergymen, the college professors and the other professional men who are the natural leaders of the people in every community."²⁹⁸ It recognizes that "public opinion is what makes the laws of this country. If you will properly educate the people you will get proper laws."²⁹⁹ Accordingly its leaders hold that "It must continue to lead in the educational work whereby class legislation must be fought in every municipal assembly and in every state legislature, as well as in Congress."³⁰⁰ Its general aim, however, is larger than the prevention of labor

legislation:—"It is to arouse the great middle class to a realization of what trade unionism really means."³⁰¹ It is attempting to offset union propaganda, and it believes that if it can arouse the public officers, the social leaders, the editors of the influential journals, along with the heads of the great industries, to summon the courage to speak out against union terrorism, "the public spirited masses of the country will rally to their side, and the featherheads and mountebanks who have pretended to talk in the name of labor and who have been casting discredit on many of the labor unions will drop back into obscurity from which they were originally dragged."³⁰² It reasons that "Organized labor owes its present power mainly to the support of public opinion, and this it obtained through constant agitation. The thought and sentiment of thousands who lean toward the cause of labor are based upon ex-parte consideration. Carried away by the insistent and specious pleas for the 'poor working man,' they have lost sight of the grave issues at stake."³⁰³ Furthermore, it contends that all the "demagogic activity" of "progressives and fake reformers" has its source in the "fallacious propaganda" of labor unionism.³⁰⁴ Hence, "The chief work of this Association is an educational one—the molding of public opinion."³⁰⁵

Condemning Reformers and Agitators.—Accordingly, it has not been sparing in its condemnation of the reformer;³⁰⁶ even the clergymen and college professors, to whom it has appealed, have come in for their share of condemnation when they have failed to respond to its appeals, or when they have offered "unskilled advice" to employers on means and methods for the prevention of industrial unrest.³⁰⁷ The demagogue, the dilettante, and the sentimentalist have thus been censured:

"The demagogue for wicked and foolish purposes arouses strife, creates class hatred and trouble with the hope of personal advancement politically or otherwise, caring nothing at

all that an ensuing calamity may bring ruin to many innocent and deserving people.

"The dilettante, with a superficial knowledge of the matter under discussion, brushes lightly to one side the judgment of sincere men obtained from their experience during years of actual work, and says glibly that by 'scientific management' millions of dollars can be saved if people will only take the trouble to do so.

"The sentimentalist assumes that human nature has no failings and that the great good he desires can be achieved politely and without trouble and suffering if people will only try." ³⁰⁸

Two clergymen, John Haynes Holmes and Rabbi Wise of New York City, were denounced for condoning violence and assassination, and a halt demanded on their activities.³⁰⁹ Other clergymen were regarded more sympathetically as charitable but misguided "who did not realize that they were encouraging a number of the chronically unemployed and unemployable in a life of viciousness," when they gave shelter and food to the I. W. W. in New York.³¹⁰ Reformers were rebuked by *American Industries* for being engaged in a "vicious 'uplift,'" in part, as follows:

"The department store girl has been exonerated of all charges of vice and immorality which have been made against her by morbid uplifters during the past few years. The New York City Committee of Fourteen has just made public a report based on exhaustive investigation which declares that the charges that 'it was a common practice for women employees to eke out insufficient wages by vice, and that they were encouraged to do so by employers'—were found to be baseless. . . . When the crusade against vice was at its height the female workers in department stores were selected injudiciously by those who delight in 'sad facts' and 'revolting conditions' as fit victims of their propaganda. Of course the object of the crusade was not to injure the workers in the stores. The maligning of their characters was an unfortunate but unavoidable incident to a campaign to discredit employers." ³¹¹

Yet the succeeding issue of this magazine contained an article which answered the attacks upon working conditions in the cotton mills, by showing that conditions were far better there than in department stores, that "The mills are so much more attractive places to work in that if girls would investigate for themselves there would be but one choice. In the mill they only require respectable dress, and living expenses of the mill girl are very much below that of the store girl, while the higher average mill wage gives them comforts and luxuries not possible in a legitimate way for the store girl."³¹² This article, too, censures the reformers as agitators and disturbers, and for their "everlasting exploitation" of the "cotton mills as unfit places for human beings to work in."³¹² The Association has felt, in all this, that "there is an especial need at this time to condemn all extravagances of statement in the relation between the rich and the poor. Loose and lurid characteristics are apt to give encouragement to the real anarchism which we and all other public-spirited men are combating."³¹³ It has pointed out that the cause of poverty is not traceable to private property in the means of production and distribution, but that the causes lie in the physical, mental or moral weakness of the poverty-stricken individuals. It has also referred to the waste and extravagance of the workers, for instance, in the wearing of silk shirts.³¹⁴ In defending the cause of the employer against the hosts of reformers of every sort, the Association cannot always be expected to be consistent.

Censure for the Bad Employer.—The Association's leaders have not, however, always defended the employer, good or bad. President Van Cleave has thus spoken of the bad employer:

"The oppressive employer has done more damage to the rest of the members of his calling and also done more damage to the country than we are apt to realize. That sort of em-

ployer is far in the minority among members of his guild, and always has been. But he was numerous enough in the first place to incite workers to form unions, and his pernicious activity in these days goes far toward winning the sympathy of the public for the unions in many of the strikes."³¹⁵

"The greedy and tyrannical employers . . . have done much to incite boycotting and the other vices which are perpetuated by many of the labor unions. Those recreant employers numerically comprise only a small proportion of their guild, but their practices have injured every worthy employer in the country. In fact I condemn them more than I do the objectionable labor unionists, for they stand higher socially, they are better educated, and consequently better conduct is expected of them."³¹⁶

The Association has thus carried out this idea to the extent of publishing an article on "Storage Piles of Trouble," showing how an employer brings trouble on himself by his independence when labor is plentiful.³¹⁷

Appeal to Workers.—The Association is endeavoring to impress "upon the workingmen of this country that their employers are their best friends."³¹⁸ It points out "that hysteria and half-baked theories cannot bring us industrial supremacy," and accordingly the prosperity so desired by the workers.³¹⁹ It teaches the wage earner "that his interests and those of his employer are identical."³²⁰ In order to bind more firmly the employee's interests to those of his employer, the N. A. M. has favored group insurance and profit sharing such as bonuses, payments to encourage thrift, stock subscriptions and similar plans.³²¹ It holds that "the workman of today is the employer of tomorrow."³²² It argues that the best friend of the workman is he who gives him regular employment, at good wages, under decent working conditions, and affords him opportunity for advancement; and, therefore, "that the large majority of manufacturers are the workers' best friends," since "they gladly aid in every possible way every

movement for better working conditions, higher wages and better opportunity for the worker providing such movements are based upon equity and sound economic principles." ³²³ It contends that the worst enemy of the workmen is the "outsider" who is always promising impossible advances in wages and impracticable shortening of the working hours, and otherwise misleading them. And further to substantiate this, it offers a demonstration that strikes are often, if not almost entirely, labor's fight on labor; a fight that "is just as much and even more against nonunion laborers as it is against the employer." ³²⁴ Its leaders realize that the employer's greatest troubles have been brought upon himself by allowing himself to drift away from his men, and by permitting the walking delegate and others antagonistic to his interests to mold the opinion of those who work for him with their hands. As a result, he is instructed that he owes it to every nonunion man in his employ, to see that these men who have been his mainstay in time of trouble, are not displaced to make room for union men who would arbitrarily take charge of his business if they could. Thus an appeal is made to the nonunion, or independent workmen, that the employer is fighting their battles for them who represent 85 per cent of all the workers, against the tyranny of the leaders of the other 15 per cent. A striking example of the manner in which the Association's leaders uphold the nonunion workman is found in a cablegram of congratulations sent by President Kirby to two or three weavers whose refusal to join the union precipitated in England a strike and lock-out involving 300,000 cotton-mill operatives. They were commended for their heroism, and they and all England were congratulated on their determined stand for independence. ³²⁵ The Association has set about to prove to the workingman "the absolute falsity of the doctrine that if a man is once a workingman he is always a workingman,"

as stated by union leaders.³²⁶ Hence many illustrations are given of the rise of workingmen to positions as captains of industry, the great opportunities before the boy of today are exploited, and the United States is referred to as the "land of opportunity."³²⁷ Carrying out this idea still further, the Association leaders have declared: "We must demonstrate the sincerity of our purpose to those with whom we labor. *Let not the word class or classes pass our lips. We have no classes in our country.*"³²⁸ Although it deplores class hatred and attacks the socialists, and denies that there is a class war between employers and employees, it apparently relies mainly on class interests in its appeals to employers.³²⁹

Summary of Propaganda Activities.—Likewise, a detailed account might be given of the other lines of the propaganda of the Association; however, a summary will suffice here. It has advocated the "open shop" and waged war upon the "closed shop" and the union label.³³⁰ In doing this, it has pointed out good conditions in open shops and bad conditions in closed shops. It has contended that the union label is no guarantee of sanitary conditions, and that in this and other respects better conditions prevail in the open shops. It has attacked the closed shop as uneconomic and socialistic, and has stated that the people of this nation must choose between the closed shop and the Republic. It has condemned the unions as slackers for limiting production, and attributes the high cost of living in part to higher wages and less work. It argues that high labor cost is a prime cause of high rents. It favors "sensible" efforts to reduce prices, and urges an honest day's work as a panacea for social unrest. It shows how other cities have established the open shop and improved the economic welfare of the city.³³¹ It has contrasted the conditions in "open-shop" Los Angeles with those in "closed-shop" San Francisco, and demonstrated in this manner,

how superior for industry and business the "open-shop" is.³³² It has carried the point further, by drawing lessons from the unfavorable situations in England and Australia, especially during strikes or labor-union successes there.³³³ It has shown that most "closed-shop" agreements are unlawful.³³⁴ It has attempted to establish the "open shop" in San Francisco through a long propaganda campaign, as well as by lending leaders and by contributing money to the employers of that city in their fight with union labor.³³⁵ It has drawn an unfavorable parallel between trade-union activities and panics or depressions.³³⁶ It publishes and distributes a booklet on "Throttling the Nation's Press" to arouse public sentiment against closed-shop unionism in the printing trades.³³⁷ It condemns "closed-shop" agreements, conciliation and arbitration.³³⁸ It denounces many of the present-day labor leaders and agitators, and attempts to discredit others with the workers.³³⁹ It appeals to members of the unions in various ways, for instance, it shows them how they are made the victims of strikes and of suits for boycott damages;³⁴⁰ all in order to get them to leave the closed-shop union. Its denunciation of the boycott and blacklist is strong,³⁴¹ yet it has found it necessary to conduct an extensive campaign against the union label and union-label goods,³⁴² and it has resolved that recent legislation has made it imperative "for employers to adopt unusual protective measures — eliminate from their employment men who advocate or favor violence."³⁴³ Its arraignment of unions "as now conducted" is continuous, and it has indicted "present-day unionism" on every conceivable point, from the charge that unions are an "aid to dirt," to that of murder and treason.³⁴⁴ It has shown that cities are liable for damages to property as the result of the lack of protection by the police during labor troubles, and that it is to the interests of municipalities to enforce the laws during such times and of the taxpayers to see

that the laws against rioting are enforced.³⁴⁵ Especially, has it attempted to appeal to the public, by arguments that the public pays the costs of strikes, for example, that coal strikes "injure most the innocent public, by at least ninety per cent."³⁴⁶ The great loss resulting from strikes to the workers, and in turn to the retailer, the manufacturers of the goods that the retailer sells, the landlords who rent the houses to the striking workers, and so on until practically every one is affected, is set forth at various times in its publications.³⁴⁷ The Association has tried to influence the public against labor legislation by a propaganda similar to that it carried on against strikes,³⁴⁸ for we find Association leaders declaring: "We must point out to the people that all this legislation that is going on affects them; shorter hours [a shorter workday] increases the cost of living, raises taxes, creates a condition for them that is really worse than it is for the manufacturers. We owe that to them. We must do it. That is the important thing for this organization to do."³⁴⁹ This quotation sets forth clearly the spirit of the general propaganda of the Association.

A few illustrations will show the wide range of the subjects covered by the propaganda of the Association. It has advocated group life insurance of employees by the employer as a means to reduce labor turnover.³⁵⁰ It denounced the Boston Policemen for striking and condemned the leaders of the coal strike for defying the government.³⁵¹ It has urged employers to be generous in the payment of wages, and has also pled for "an honest day's work for an honest day's pay" to increase production. It has declared that "the destruction of perfectly good uncompleted [nonunion] work to induce union labor to reconstruct, is an act of imbecility, and a financial crime that should be made legally punishable."³⁵² It has argued against the eight hour day, or any general lessening of the present

hours of labor or restriction of production by workers.³⁵³ It has pointed out that "labor slacking and stalling" is very extensive. It has favored the piece or job basis for wages, and equal pay for equal work for women as well as men.³⁵⁴ It proposed a plan for industrial peace — an armistice during the reconstruction period, and presented this plan for consideration at the First National Industrial Conference of 1919.³⁵⁵ It has attacked Socialism and Bolshevism, and has outlined the methods and character of the propaganda of these radicals.³⁵⁶ It has denounced as unwise a proposal for the restoration of wealth improperly acquired but legally held.³⁵⁷ It has urged the Americanization of alien workmen in the United States and has advocated that the employer teach the American language and ideals to his employees, if necessary on "company time."³⁵⁸ It agitated for the reemployment of ex-service men on return from the war, and even for the employment and training of disabled soldiers and sailors.³⁵⁹ It has urged employees to be thrifty and invest their savings in "company" stock or otherwise, and has proposed to formulate a record book and budget for employees in order to foster saving.³⁶⁰

On the other hand, public sympathy must not be lost by the evil practices of any notable group of manufacturers, if the practices cannot be prevented, they must be denied, or at least exaggerated accounts must be corrected, as is shown by the part that President Van Cleave took in the investigation of the Chicago meat packers. While he was President of the Association, he issued a statement that accompanied the report of a committee of the Association, thus acquitting the meat packers of Chicago of the charge of packing diseased meats:

"To the members of the National Association of Manufacturers: Greeting: . . . *I heard what seemed to me to be a call to duty. I did not stop to ask where the fire was, or whether the walls of our factory were hot, or whether it would be a*

*popular act to lend a helping hand to some of our members who were in distress, and through whose distress great injury was being done to American Industry, both at home and abroad. We hope that our appeal for justice and the protection of the good name of the American Manufacturer has had its influence. If any of my friends are disposed to criticize, I would refer them to the injunction of the Divine Master when He said: He that is without sin among you let him first cast a stone."*³⁶¹

From this statement, it seems that one may easily draw the inferences that the fair name of the "American Manufacturer" demanded that the packers be acquitted whether guilty or not, and that few of the other manufacturers were innocent of offenses similar to those with which the packers were charged. To say the least, such a justification has a peculiar ring. President Van Cleave, however, has made other unguarded or imprudent statements, such as his admonition to manufacturers to have ready their riot guns and shot guns.³⁶² Likewise his alleged attempt to bribe Samuel Gompers of the A. F. of L. was unwise from every point of view.³⁶³

Accident Prevention.—The Association has agitated for the prevention of accidents for several years, and its activity in this field — whatever mingled motives may have inspired it — merits high commendation. For a number of years, the Association has published as a supplement to *American Industries* each month, "Preventive Appliances," devoted to methods and means for accident prevention.³⁶⁴ It has prepared and exhibits a series of moving picture films before gatherings of both employers and employees, and furnishes the films for other organizations to exhibit.³⁶⁵ A number of its officers have delivered addresses upon topics dealing with the prevention of accidents.³⁶⁶ It has co-operated freely with safety organizations, and has formed with other employers' associations a "Conference Board on Safety and Sanitation."³⁶⁷ It has

urged upon owners, superintendents, foremen, and workmen that harmony and co-operation among them — each and every one — are essential to safety, and that appliances are simply means that must be used intelligently.³⁶⁸ Devices to safeguard dangerous tools and machinery have been suggested and illustrated from ladders to railways.³⁶⁹ Films on safety, such as "The Workman's Lesson," impress upon workmen the need of care in their work.³⁷⁰ It has issued a booklet, "Industrial Betterment Activities" outlining many of these activities.³⁷¹

Industrial Education.— The Association has likewise carried on a propaganda for industrial education, but as the greater part of its efforts has been directed towards the establishment of publicly-supported continuation schools, this activity has been treated above as legislative. The Association has, however, continuously urged upon the manufacturer to make his shop a training school, to develop his own system of apprenticeship as well as to co-operate with other systems of training workers to become skilled.³⁷² It has pointed out the success of vestibule schools in training workers and in reducing labor turnover.³⁷³ It has advocated the employment and training of women and disabled soldiers to meet the shortage of skilled labor.³⁷⁴ It has appealed to the manufacturer to aid in the "Americanization" of foreign immigrant workmen, and has prescribed industrial training as an antidote to Bolshevism.³⁷⁵ It favors industrial rehabilitation.³⁷⁶

Mr. Emery has thus summed up the activities of the N. A. M. on accident prevention and industrial education:

"In the last five years it has carried on a very extensive movement for accident prevention and workmen's compensation. It was the first large organization in this country to take up that work, and it made extensive foreign investigations as to the practical operation of workmen's compensation laws abroad and methods of accident prevention, and from this ex-

perience it has undertaken to apply the fruits in this country, subject to the modifications that exist in our differing forms of work. We have a standing committee in charge of that work, and a continuous inspection is going on of the factories of all our members with respect to increasing the facilities for the prevention of accident, and the inculcation of those habits which most readily and powerfully lead to accident prevention.

"In addition to that, there is a very wide range of educational work carried on in connection with that and other subjects. Practically every shop of the members of the National Association has been visited during the last four years by lecturers, who, through moving pictures and a form of address, have undertaken to enlist the co-operation of both employers and employees in the movement for accident prevention and vocational education. We have spent very large sums of money in that work, and have a very large staff carrying it on, and the films which have been made for the purpose of strikingly depicting these efforts and principles to the eye have not only been used among the employees or members of the association, but they have been generally at the service of public bodies of any kind or character in any part of the country that were interested in the subject, and those lectures on those subjects have been carried on before commercial and manufacturers' associations in every part of the country."³⁷⁷

Industrial Betterment.—In the matter of industrial betterment the committees of the N. A. M. have generally been too progressive to receive the whole hearted endorsement of a majority of the other members of the Association.³⁷⁸ The Association, however, has undertaken an investigation of the causes of unemployment and has advocated a passenger classification such that laborers could be transported easily and cheaply from one field to another.³⁷⁹

National Industrial Conservation Campaign.—In 1916, the Association's propaganda activities were given a new turn. A campaign for national industrial conservation was begun, "to give all classes of citizens a better understanding of their responsibility to our industries and of the

bearing which industrial prosperity has on their welfare,³⁸⁰ — to meet the attacks of radical agitators and eliminate burdensome legislation and industrial unrest,³⁸¹ to correct public attitude towards industry³⁸² and to destroy "loose economic sentimentalism" which "has given rise to a senseless prejudice against business men," which has caused labor disturbances, misguided laws which deform rather than reform, and other industrial impediments, which increase the cost of living.³⁸³ In this campaign the Association utilized the public and private speaking forum, the press, and the moving picture screen. A carefully selected staff of public speakers, and of writers, various sorts of printed literature, stereopticon slides and moving picture films were the means used to "spread the gospel of patriotic industrial co-operation."³⁸⁴ In the years 1916-1918, nineteen speakers including three women spoke before 402 meetings in seventeen industrial states. Speakers were supplied to Rotary Club meetings and luncheons. Workers in munition shops and essential industry plants were addressed on more than 30 separate occasions. Women speakers appeared before Women's Clubs in over 30 instances. During the same period 1,400,000 industrial conservation posters 19 by 25 inches were issued, and 2,100,000 pay envelopes bearing a message of industrial conservation to over 1,400 employees for a period covering twelve pay-days, were given out. Nine hundred and twenty-two thousand copies of *Industrial Conservation* — a four page newspaper mainly for employees — were published in English, Italian, Russian and German. Ten thousand folders describing this work were distributed. Plate matter was sent out by the Association and used by 1,400 various sorts of newspapers, so that a total of 69,640 columns of news space publicity was thus secured. To this must be added also 6,156 columns of news space publicity secured through publication of advance notices and reports of the meetings at

which the speakers appeared. Stereopticon slides and motion picture films were exhibited to the number of 2,340 in 307 separate theatres in industrial towns and cities, and 10 copies of 300 foot motion picture cartoon trailer films were utilized in motion picture theatres throughout the United States.³⁸⁵ In the summer of 1918, the campaign was suspended,³⁸⁶ but the Association has not ceased to "urge upon business men that they be found not missing from the ranks of organized industry when the bugle call of Americanism is sounding."³⁸⁷ The Association in 1920 employed Ex-Mayor Ole Hanson of Seattle, Washington, to make a three-months' "speaking tour devoted to 'Americanization'—the meetings to be held under the auspices of local organizations and committees." Mr. Hanson visited 13 states, held 53 meetings, addressed approximately 140,000 persons, and secured, as a result of these meetings, 1,186 columns of newspaper stories and editorials.³⁸⁸ The 1920 convention adopted a resolution favoring a renewal of the "publicity campaign."³⁸⁹ *

Interrelations.—Much of the Association's propaganda has been connected with other associations; indeed to such an extent is this the case, that a consideration of the interrelations of the Association with other bodies, is a continuation of the discussion of its "educational" activities.

As this Association is predominant as a propaganda organization so also does it surpass all other associations in its

*This movement, it would seem, has again taken on new life. According to press reports, President Mason of the N A M addressed the manufacturers of Tennessee in January, 1921. He attacked the measures before Congress to restrict immigration, favored a national budget system and an amendment of the federal tax laws, and condemned the La Follette Seamen's Act. He said that a committee had recently been constituted to give the open-shop policy energetic support. The press report states that "President Mason is a member of a delegation of the National Association of Manufacturers in the South for the purpose of fighting legislation inimical to the industry." [Ja (19) '21 *New Orleans Times-Picayune* 3.]

many and varied interrelations. So varied are these, that they may be grouped under five heads; and illustrations, rather than a complete account, may be given: (1) Interrelations through speakers and representatives, and the publication of their addresses or articles, (2) Endorsements or commendations of one association by another, (3) Co-operative efforts in a recognized common cause, (4) Through common officers and members, (5) Through affiliations, fostering of other associations, and inter-organizations.

(1) Leaders of the Association have appeared before various organizations of employers throughout the country in an effort to arouse the employers to make a vigorous stand for the "open shop." James W. Van Cleave, then President of the Association, thus appealed to the convention of the United Typothetæ of America in 1906:

"I wish that I had a thousand voices, or a thousand pens to write with; that I had the eloquence of all the orators and the learning and gifts of all the writers, that the frenzy, even, of all agitators were mine, so as to stir you up, and through you, all the means of agitation, and discussion, and education; so that the whole truth might be known about these questions; for I assure you that they are all of everlasting importance to every man, and every woman, and every child in this whole country."³⁹⁰

Emery addressed the United Typothetæ the same year.³⁹¹ John Kirby, Jr., while President of the N. A. M., delivered before combinations of employers many addresses in which he condemned the American Federation of Labor and affiliated bodies. His address on "The Goal of the Labor Trust" was delivered before the Employers' Association of Springfield, Mass., that on "What Does the Closed Shop Mean to You?" before the Manufacturers' Association of Bridgeport, Conn., and that on "Facts *versus* Platitudes and Sophistry" before the Manufacturers' Association of Erie, Penna., all in 1910.³⁹² In 1911, he spoke before the

Mason Material Dealers' Association of New Jersey on "Labor Problems of the Times,"³⁹³ before the Laundrymen's National Association of America on "Honest Unionism or None,"³⁹⁴ before the Metal Manufacturers' Association of Philadelphia on "The Business Man and the Trend of the Times,"³⁹⁵ and before an assembly of manufacturers and business men of Piqua, Troy and Sidney, Ohio, on the same subject.³⁹⁶ In 1912, he addressed the Employers' Association of Hartford, Conn., on "Where are We Going?"³⁹⁷ Before the Baltimore Builders' Exchange, he scored the initiative and referendum and the labor organizations that "backed up" the McNamaras, and he delivered before the Manufacturers' Association of York, Pa.,³⁹⁸ his address on "The Wages of Tolerance and the Cost of Indifference," at that time called "Law and Liberty *vs.* Lawlessness."³⁹⁹ In the same year he was chosen as one of the principal speakers at the annual convention of the Canadian Manufacturers' Association,⁴⁰⁰ presumably as a return for the address of Mr. Nathaniel Curry, President of that organization, before the convention of the N. A. M. a few months before.⁴⁰¹ In 1909, President Kirby, in company with General Counsel Emery and General Manager Bird of the Association, toured the Pacific Coast. In the words of President Kirby: "On that trip we delivered addresses to the Commercial Club of Spokane, to the Employers and Manufacturers Association of Seattle, and later on to the National Conservation Congress at the same place, both of these during the Alaska-Yukon-Pacific Exposition; to the Employers' Association of Oregon at Portland; to the Merchants and Manufacturers' Association and the Chamber of Commerce of Los Angeles, and to the allied commercial and industrial organizations of Denver."⁴⁰² He says further that this "produced not only a thorough understanding of our objects, but created a desire to co-operate with us in securing them, and it gave us a powerful sup-

port throughout the whole West. Moreover, it added over a hundred members to the National Association of Manufacturers, and greatly widened and increased the Association's influence."⁴⁰³ In 1910, President Kirby and General Manager Bird visited the West again, and addresses were made at Seattle, Portland, San Francisco and Los Angeles, before various employers' organizations and other industrial bodies.⁴⁰⁴ General Harrison Gray Otis, of the *Los Angeles Times*, and the Merchants and Manufacturers Association of Los Angeles, accompanied them on the trip and in the speech-making,⁴⁰⁵ and later appeared at the following convention of the N. A. M. as a speaker, to be lauded highly for his fight against unionism.⁴⁰⁶

In 1911, the same three Association officers, Kirby, Emery and Bird, appeared as speakers before gatherings of manufacturers in the East. A notable gathering was held at Providence, Rhode Island, with all three as speakers.⁴⁰⁷ Emery appeared with Kirby before the manufacturers of Philadelphia, and Bird spoke before the Builders' Exchange of Worcester, Mass.⁴⁰⁸ Mr. Emery was one of the principal speakers at a monthly dinner of the Manufacturers' Association of Bridgeport, Conn.⁴⁰⁹

In addition to his part in the extensive campaigns of 1909, 1910, and 1911, Mr. Emery has been very prominent as a speaker before other associations for a number of years. He had had considerable experience in this field before he became General Counsel of the N. I. C.—a subsidiary organization of the N. A. M.—in 1907. In 1908, he attempted to enlist the support of the members of the New York State Bankers' Association, in opposition to "class legislation" and "closed-shop unionism."⁴¹⁰ Along with his heavy legislative duties in 1912, he gave before the convention of the National Metal Trades Association a very late report of the developments in the matter of the eight-hour bill, then before Con-

gress.⁴¹¹ In 1913, he was the principal speaker at a meeting of the Commercial Club of Boston, on the subject, "Modern Political Tendencies Criticized."⁴¹² He gave an address before the Springfield, Mass., Board of Trade on "Labor Legislation and Its Tendencies," and two days later gave an address before the Shippers and Manufacturers' Association of Rockford, Illinois.⁴¹³ He was among the speakers at the convention of the National Association of Sheet Metal Contractors,⁴¹⁴ and was one of the chief speakers at a joint meeting of the Manufacturers' Association of Hartford, Conn., and of the Employers' Association of Hartford.⁴¹⁵ In 1914, he pointed out to the Cincinnati Chamber of Commerce how much greater the mass of legislation and of court decisions was in the United States than any other country in the world.⁴¹⁶ In 1915, at the second annual convention of the Manufacturers' Association of New Jersey, he spoke on the "Rural Control of Congress,"⁴¹⁷ and at the Michigan Manufacturers' Association, he criticized the Clayton Anti-Trust Act. In both speeches he lamented the great influence of the farmer and the little influence of the manufacturer in legislative matters.⁴¹⁸ In the same year, he addressed the Business Men of Seattle on "Mutual Interests of Employer and Employee." In 1917, he delivered an address on "The Manufacturer and Public Affairs" at the annual meeting of the Pennsylvania Manufacturers' Association.⁴¹⁹ He was one of the main speakers at an Industrial Conference of the Canadian Manufacturers' Association.⁴²⁰ His oration on "Tools and the Man" was given at an annual convention of the National Machine Tool Builders' Association.⁴²¹

Other officers of the Association might also be taken as examples of interrelations through addresses; namely, Pope, Schwedtman, Nevin, Miles, Keough, and others.⁴²² Officers of other associations might likewise be discussed in relation to their addresses before the N. A. M. or their

articles published by it, such as Walter Drew, of the National Erectors' Association, Daniel Davenport of the American Anti-Boycott Association, now the League for Industrial Rights, and William Boetcker, of the Citizen's Industrial Association of Toledo, Ohio.⁴²³

(2) The National Association has endorsed or commended the American Anti-Boycott Association,⁴²⁴ the Citizens' Industrial Association of America,⁴²⁵ the National Founders' Association, the National Metal Trades Association,⁴²⁶ and the Federation of Employers' Associations of the Pacific Coast,⁴²⁷ the Inter-Racial Council,⁴²⁸ and has in turn been commended and endorsed by other associations, such as the National Metal Trades Association.⁴²⁹ An illustration of such endorsements is found in the resolution "unanimously agreed to" in 1910 by the N. A. M.:

"That the National Association of Manufacturers in convention assembled, does hereby earnestly commend and heartily congratulate the American Anti-Boycott Association for the persistency and fearlessness with which it has carried on its righteous crusade, and extends to it the assurance of its felicitations and its earnest hope that it may make permanent in our country the principles for which it steadfastly stands."⁴³⁰

On the other hand, Association leaders have condemned the National Civic Federation, as follows:

"The National Civic Federation is a splendid asset for the American Federation of Labor. In that it is a most useful agent in the promotion of its cause, advocating its doctrines and endorsing its criminal methods. . . . It is the encouragement and public favor that such combinations as the National Civic Federation and its president have given to the lawless element, headed by the man who declared, 'To hell with your injunctions,' that has emboldened these men to defy the law and the courts as they have done."⁴³¹

Nevertheless, the same officer — Ex-President Kirby

— declared that when the National Civic Federation would adopt a declaration of principles like those of the National Metal Trades Association, “every member of this Association can join hands with the Civic Federation and go ahead with them in the work that they are trying to perform.”⁴³² And to some extent the N. A. M. has approved of the work of the N. C. F. as is shown, (1) by the publication in *American Industries* of the endorsement by the National Founders’ Association of the report by the N. C. F. on the returns to capital and labor,⁴³³ (2) by the printing in *American Industries* of an article on welfare work by Miss Gertrude Beeks of the Welfare Department of the N. C. F.,⁴³⁴ and, (3) likewise by commending her testimony before the Commission on Industrial Relations that, “Instead of finding conditions particularly bad in New York stores, many *unsuspected* fine features were discovered.”⁴³⁵ Friendly relations were shown when Mr. Nevin of the N. A. M. spoke before the N. C. F. in 1915, and Mr. Hammond of the N. C. F. addressed the annual banquet of the N. A. M. in 1916.⁴³⁶

(3) The Association has co-operated with other associations in what it believed was a common cause. A few illustrations will indicate the manner and slightly suggest the extent of such co-operation. There has been co-operation in opposing labor legislation.⁴³⁷ For example, counsel of the N. A. M., N. M. T. A. and N. F. A. have joined their efforts at Washington in opposing bills desired by labor unions.⁴³⁸ The N. A. M. aided the National Association of Employing Lithographers in its fight for the open shop.⁴³⁹ On October 15, 1920, the N. A. M. established an Open-Shop Department for the purpose of: —

“The collection, compilation and dissemination of information, data and discussion regarding the open shop and its essential relation to our national ideals and institutions and to industrial stability, productivity and national progress;

“By initiating, encouraging or fostering local movements for the maintenance or extension of open-shop operation or the spread of open-shop principles;

“By co-operation with different bodies, national or local, devoted to these ends and by furthering such measures to secure co-ordinated effort on the part of such bodies as may seem wise and practicable;

“By such further means as may be decided upon by the Board of Directors of the Association.”⁴⁴⁰

“The open-shop department of this Association was organized to better advance the open-shop principles, adopted as early as 1903. The department is to act chiefly as a clearing house of information. The sentiment of the firms and associations with which we are in communication is that such should be the work of the department, the functions of which will be purely advisory and informative. The department is contemplating the issuing of a pamphlet containing typical open-shop advertisements from many cities, the material for which has already been gathered and indexed. Pamphlets dealing with particular phases of the problem will be issued. Material for a ‘debater’s handbook’ or ‘open shop encyclopedia’ is now being collected.”⁴⁴⁰ [This “Encyclopedia” was issued in 1921.]

The Association has set forth at length the causes of the remarkable growth of the open-shop movement, and is issuing bulletins on this subject.⁴⁴¹ It has opposed national agreements on the railroads—that is, “closed-shop railroads”—and has urged the railroad managers to stand firm against such agreements.⁴⁴² It has proposed that a building be constructed in Washington, D. C., and set aside exclusively for headquarters for the various associations so that co-operation will be made closer and more readily.⁴⁴³ At the request of the President of the N. F. A., and along with other associations, the N. A. M., endorsed the Anthracite Coal Strike Commission and the principles it laid down in its decision.⁴⁴⁴ The N. A. M. co-operates freely with the League for Industrial Rights and especially in opposition to

labor legislation.⁴⁴⁵ The N. A. M. co-operated with the New York Branch of the United Typothetæ of America by having *American Industries* printed in the school of the latter organization.⁴⁴⁶ The N. A. M. has received and given aid freely to other associations in a general campaign for the prevention of accidents.⁴⁴⁷ Its assistance to other associations in their fight for the open shop has been noteworthy,⁴⁴⁸ from the encouragement given to the Oklahoma City Chamber of Commerce⁴⁴⁹ to the extended support accorded to associations on the Pacific Coast.⁴⁵⁰ There was a report that the Association, in 1907, had promised a large sum to San Francisco business men if they would in turn raise a large amount to support the leading business interests of that city in a general lockout of the unions. The joint fund then promised was said to be in the millions of dollars.⁴⁵¹ In 1910, the following associations joined with the Association in the fight for the open shop on the Pacific Coast: Worcester Builders' Exchange, Employers' Association of the District of Columbia, Master Builders' Association of Boston, Metal Manufacturers' Association of Philadelphia, Employers' Association of Buffalo, National Erectors' Association, Citizens' Industrial Association of Toledo, Broad Silk Manufacturers' Association, and the Employers' Association of Cleveland.⁴⁵² In 1919, the N. A. M. assured the President and members of the American Steamship Association "of the whole hearted and unselfish support of the members of this Association [N. A. M.] in upholding the open shop."⁴⁵³ Officers of the N. A. M. have co-operated with many associations in breaking strikes, although credit is not usually given nor claimed, for instance, as it was given in the Grand Rapids Strike.⁴⁵⁴ And finally, this co-operation has extended across the seas, even to far-off Australia, where the report has come back that the employers there found that they had "a common cause" with employers here, through the Commission sent there by the N.

A. M.⁴⁵⁵ This co-operation has extended also to England to the National Labour Association there.⁴⁵⁶

(4) Interrelations through common members and officers can be illustrated by a few instances from a wealth of cases. In 1903, it was said that about all the members of the N. M. T. A. were also members of the N. A. M. In 1904, Mr. Ittner of the N. A. M. testified, "I am a member of four national bodies. I am the ex-president of two."⁴⁵⁷ Mr. Philip Bird, General Manager of the N. A. M., was re-elected President of the Manufacturers' Association of New Jersey in 1915,⁴⁵⁸ and had been elected member of the Administrative Council of the N. M. T. A. in 1907.⁴⁵⁹ John Kirby, Jr., formerly President of the N. A. M. was also President of the Dayton Employers' Association at the same time⁴⁶⁰ and had been a member of the Administrative Council of the N. M. T. A. a short time before.⁴⁶¹ In 1908, he was elected a member of the Executive Committee of the Citizens' Industrial Association of America, and claimed that he was "in constant touch with the manufacturing interests of the country."⁴⁶² As a final illustration, let us take David M. Parry, who "was president, for four years, from 1902 to 1906, of the National Association of Manufacturers, and has since been a director and life member of the executive committee. He was formerly president of the National Association of Carriage Builders, and a director in that association for a number of years. He was at one time president of the Indiana Manufacturers' Association, and of the Citizens' Industrial Association of America."⁴⁶³

(5) The Association is rich in affiliations, especially through the National Industrial Council—its subsidiary organization—which has over 300 other associations as members.⁴⁶⁴ It was likewise related to many other associations through the now-defunct Citizens' Industrial Association of America, which it fostered.⁴⁶⁵ It has attempted

for many years and in several ways to affiliate or federate all of the employers' associations of the country, sometimes the national ones, sometimes both local and national organizations.⁴⁶⁶ In 1916, the N. A. M., in its effort to federate the employers' associations of the country, invited, to speak before its convention on the subjects of federation and the association movement, a number of the leaders of state and local associations. Among these leaders and associations were the following: Mr. Seneca C. Beach, President of the Merchants and Manufacturers' Association of San Francisco; Mr. Thomas J. Kelley, Manager of the Manufacturers' Association of Connecticut; Mr. J. E. Edgerton, President of the Tennessee Manufacturers' Association; Mr. Frank D. Rash, Vice-President of the Kentucky Manufacturers and Shippers' Association; Mr. William George Bruce, Secretary of the Merchants and Manufacturers' Association of Milwaukee; Mr. Hal H. Smith, of the Michican Manufacturers' Association; Mr. J. W. Ferguson, Vice-President of the Manufacturers' Association of New Jersey; Mr. D. E. Felt, Vice-President of the Illinois Manufacturers' Association; Mr. Gerry Jones, Vice-President of the Associated Manufacturers and Merchants of New York State; Mr. C. B. McCoy, President of the Ohio Manufacturers' Association; Mr. Earl Constantine, special representative of the Employers' Association of the Inland Empire; Mr. R. H. Rice, President of the Associated Industries of Massachusetts; Mr. William H. Barr, President of the National Founders' Association; Mr. Charles J. Graham, President of the American Hardware Manufacturers' Association; Mr. E. J. Wile, President of the Cloak, Suit, and Skirt Manufacturers' Protective Association of New York City; Mr. Frank L. Moore, ex-President of the American Paper and Pulp Association; Mr. B. A. Van Winkle, President of the Indiana Manufacturers' Association; Mr. A. H. McGhan, Secretary of the International

Association of Master House Painters; Mr. Herbert H. Rice, ex-President of the National Metal Trades Association.⁴⁶⁷ Recently, it has turned part of its efforts to conference committees. It joined with the National Founders' Association, the National Metal Trades Association, and the National Electric Light Association, and formed a Conference Board on Safety and Sanitation.⁴⁶⁸ The N. A. M. was also a member of the Conference Board on Training of Apprentices,⁴⁶⁹ and is now represented on the National Industrial Conference Board.⁴⁷⁰ It is a member of the Chamber of Commerce of the United States and in this way is affiliated with many other associations. The N. A. M. had much to do in the formation of this Chamber of Commerce, and expected the new organization to accomplish great results for the employer,⁴⁷¹ but the N. A. M. found out that the interests of the two organizations were not always identical.⁴⁷²

The National Industrial Council, formerly called the National Council for Industrial Defense, cannot be regarded apart from the National Association of Manufacturers, for it is strictly the legislative and political department of the latter. In 1909, President Kirby thus spoke of it:

"We have an organization within this organization for the purpose of looking after what I will term bad legislation and eventually to promote good legislation. The work that that organization has done is more or less familiar to all of you and I am not going to undertake to explain it here tonight, because it might be embarrassing to some gentlemen who are to speak to you."⁴⁷³

And General Manager Bird in 1913 characterized it as follows:

"The National Council for Industrial Defense is an organization composed of about 253 other organizations, national, state, and local, who sign an enrollment blank, as we call it, which

authorizes Mr. Emery to represent them in Washington before committees on matters pertaining to labor legislation. That is all the council is, and there is no need for any meetings. There is no need for any board of directors.”⁴⁷⁴

Objects.—About four years later, the Council adopted a very brief constitution which gives the objects of the organization as follows:

“1. To establish and maintain a legislative reference bureau for the compilation, analysis and distribution of accurate and timely information respecting legislation affecting industrial relations.

“2. To advise its members with respect to legislation proposed or enacted, affecting their business relations with the various departments of the national government and with state government when deemed advisable.

“3. To preserve and promote the principles of individual freedom for employers and employees in commerce and industry. To emphasize the essential worth of these, and to defend them against legislation calculated to impair or destroy them or the legal remedies by which they are efficiently protected. To appeal to public and legislative opinion respecting these matters through every medium by which it can be legitimately and effectively informed.

“4. Vigorously to oppose class legislation in whatever form it proposes to make it lawful for one class of citizens to do that which remains unlawful for any other class to do. To encourage legislation tending to better the relations between employer and employee.”⁴⁷⁵

Membership is open only to other organizations of employers such as employers’ associations, manufacturers’ associations, chambers of commerce, and similar bodies. In 1920, it was said to have enrolled over 300 such organizations.⁴⁷⁶

Government.—The Council is now said to be financially independent of any other organization, but its control is

still vested in a self-elected or self-perpetuating Executive Committee. The Executive Committee is made up of five members. There are a General Counsel and a Secretary-Treasurer, who presumably hold their offices permanently without election. The Chairman of the Executive Committee is elected by the Committee for a term of two years, and this Chairman selects the other two members of the Committee.⁴⁷⁷ There is also an Advisory Committee, consisting of the active executives (secretaries or managers and presidents) of the affiliated state industrial associations. This committee is designed to initiate suggestions dealing with the methods and policies of the Council. The suggestions are acted upon promptly by the Executive Committee, which meets at the same time as the Advisory Committee. These two committees thus form a national conference. The Council is now developing state conferences of a similar character.⁴⁷⁸ The Advisory Committee was formerly chosen by the Chairman of the Executive Committee with the approval of the latter Committee.⁴⁷⁹

The Council has no system of fees or dues. "Its revenues are derived solely by contributions from those who appreciate the necessity for such an organization and the value of its work to the American public."⁴⁸⁰

The Council was organized in 1907 as a joint legislative committee of the National Association of Manufacturers and the Citizens' Industrial Association of America. A series of conferences had been held that year in an attempt to form a council that would enlist the support of a large number of powerful associations, such as the National Metal Trades Association and the National Founders' Association, but a satisfactory scheme could not, it seems, be worked out. In 1908 when it had supplanted the C. I. A. A., it was said to have had only eleven organizations in its membership. It sought then to unify the action of national and local associations on matters relating to in-

dustrial legislation both national and state.⁴⁸¹ It has, however, succeeded, without the active support of many of the more powerful national employers' associations, in defeating so many of the legislative proposals of the American Federation of Labor as to receive national recognition as the "enemy" of the A. F. of L. in the legislative and political field. In the past two years, the scope of its work has widened.

At a meeting held in the latter part of 1919, the name of the Council was changed from the National Council for Industrial Defense to its present one of National Industrial Council, first, because "the word 'Defense' was of misleading character in view of the fact that the Council is primarily engaged in constructive effort. Second it was felt that the change was needed because of the existence since the beginning of the war of the Council for National Defense, with the name of which organization there has naturally been much confusion."⁴⁸² The Council "was established as a separate and specific medium through which constant, watchful attention might be given to the matter of vicious class legislation which is ever being urged in the Federal Congress by organized labor,"⁴⁸³ and to enable its affiliated organizations to co-operate systematically in opposition to such legislation when presented to Federal or State legislative bodies.⁴⁸³ But at the national conference in 1919, the Council decided to enlist industrial organizations of the country in a movement toward adequate salaries for public-school teachers, to take joint action designed to prevent the affiliation of the police and similar public departments of government with the American Federation of Labor, and to publish information to make clear to American employers the significance of the labor provisions of the Versailles Treaty of Peace.⁴⁸²

The Council in 1920 at its national conference and dinner, discussed or listened to discussions on the permanent con-

solidation of the express companies, the cancellation of contracts, the Non-Partisan League, the "open shop," the immigration problem, the labor situation on the railroads, and state constabulary legislation. The Council has decided to take an aggressive attitude towards legislation and urge the passage of laws such as those providing for a state constabulary.⁴⁸⁴

The Council is attempting to develop further its scheme of "pyramided conferences," that is, first, a state conference where questions of interest to the various local and state organizations are discussed, and second, the national conference where delegates fresh from the state conferences will come with the ideas gathered from the state conferences. It has also developed another mode of contact, namely through an Executive-Secretary who travels about the country to meet the officers of the affiliated associations and hold discussions and conferences with such officers. The Council has concluded that the contact previously provided by letters and printed literature alone was not entirely adequate.⁴⁸⁴ It is undoubtedly preparing for a great increase in its activities and influence.

Along with its widening of scope and extension of means of contact with other associations, there has come no lessening of control over the Council by the National Association of Manufacturers. It was stated in December, 1920, that the N. A. M. has not only "assisted very materially in the development of the Council," but that "In fact, the relations between the two are very intimate and there is interlocking of directors."⁴⁸⁴

The Citizens' Industrial Association, the predecessor of the N. I. C. was in a number of respects similar to the N. A. M. While it closely resembled the N. A. M. in activities, its membership was dissimilar in that even laboring men were eligible, and that it was itself largely a federated body. Its plan of federated bodies somewhat resembles that of the

N. I. C. The C. I. A. A. was more strenuous in its propaganda than the N. A. M. has been.

Accordingly, it may be said that the National Association of Manufacturers stands today as one of the great opponents of the American Federation of Labor in the legislative, political and propaganda fields. Its many achievements in defending the employer's interests in labor matters, merit for it the support of every open-shop manufacturer. While some of its methods may have been of a somewhat questionable character, as has been charged, the resort to such methods was almost inevitable in the fight that it has conducted in behalf of the open-shop manufacturer.

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'20 Am Ind 19-27. ³⁴⁷ Je '11 Am Ind 7-8; also O '11 Am Ind 9. ³⁴⁸ O '12 Am Ind 13. ³⁴⁹ '14 N A M 168. ³⁵⁰ '18 N A M 43; '19 N A M 15-24. ³⁵¹ O '19 Am Ind 10; Mr '20 Am Ind 7; D '19 Am Ind 7. ³⁵² '20 N A M 71, 85, 297, 300. ³⁵³ '18 N A M 215; '19 N A M 109, 285; O '19 Am Ind 16-17. ³⁵⁴ '18 N A M 22-23, 34, 54; '19 N A M 109. ³⁵⁵ O '19 Am Ind 7-8. ³⁵⁶ My '20 Am Ind 19; N '19 Am Ind 22-24; N '20 Am Ind 25. ³⁵⁷ '16 N A M 228, cf 229. ³⁵⁸ '19 N A M 108-109, 282. ³⁵⁹ '19 N A M 25-26, 137-138, 149, 183, 185-188. ³⁶⁰ '18 N A M 44-45; '19 N A M 15. ³⁶¹ J1(2)'06 Am Ind 10; see also Mr '20 Am Ind 10-11. ³⁶² '08 N A M 329. ³⁶³ '07 N A M 249-267. ³⁶⁴ '16 N A M 4-9; see also Am Ind Ja '13 to 1918. ³⁶⁵ '12 N A M 51; O '14 Am Ind 24; My '15 Am Ind 24-25; '16 N A M 299; '18 N A M 11-13; '19 N A M 26. ³⁶⁶ D '11 Am Ind 41; O '14 Am Ind 26. ³⁶⁷ J1 '11 Am Ind 12-17; S '11 Am Ind 10-20; My '13 Am Ind 24-25; Ja '14 Am Ind 24-26; S '14 Am Ind 24-25; O '14 Am Ind 24-26; N '14 Am Ind 24-25. ³⁶⁸ Ja '13 *Preventive Appliances* 1; see also '16 N A M 214. ³⁶⁹ *Preventive Appliances*, various issues, e.g., Ja '13, N '13. ³⁷⁰ '12 N A M 51ff; Ja '14 Am Ind 24; '16 N A M 5-9. ³⁷¹ Booklet itself. ³⁷² '19 N A M 44-51, 107. ³⁷³ '18 N A M 50-54. ³⁷⁴ '18 N A M 43, 50-56, 198-200. ³⁷⁵ D '19 Am Ind 18; O '20 Am Ind 22-23. ³⁷⁶ '20 N A M 86, 297, 300; S '20 Am Ind 9. ³⁷⁷ Ind Rel 725. ³⁷⁸ '16 N A M 38-39. ³⁷⁹ '16 N A M 294. ³⁸⁰ '18 N A M 79-80, 211. ³⁸¹ '18 N A M 213. ³⁸² '18 N A M 214. ³⁸³ '18 N A M 216. ³⁸⁴ '18 N A M 80, 211. ³⁸⁵ '18 N A M 80-81, 211-212. ³⁸⁶ '19 N A M 135. ³⁸⁷ Mr '20 Am Ind 7. ³⁸⁸ '20 N A M 127; see also My '20 Am Ind 42. ³⁸⁹ '20 N A M 300. ³⁹⁰ Au(1)'06 Am Ind 2; '06 U T A 39. ³⁹¹ '06 U T A 32-39, 103-108. ³⁹² Printed addresses. ³⁹³ Ap '11 Am Ind 44. ³⁹⁴ J1 '11 Am Ind 21. ³⁹⁵ Mr '11 Am Ind 26. ³⁹⁶ Mr '11 Am Ind 42. ³⁹⁷ J1 '12 Am Ind 35. ³⁹⁸ Pamphlet itself. ³⁹⁹ Ja '13 Am Ind 43. ⁴⁰⁰ S '12 Am Ind 27. ⁴⁰¹ '12 N A M 327. ⁴⁰² '10 N A M 288. ⁴⁰³ '10 N A M 288-289. ⁴⁰⁴ Ja '11 Am Ind 44; '11 N A M 92. ⁴⁰⁵ Ja '11 Am Ind 44. ⁴⁰⁶ '11 N A M 250ff. ⁴⁰⁷ J1 '11 Am Ind 36. ⁴⁰⁸ Mr '11 Am Ind 42. ⁴⁰⁹ D '11 Am Ind 41. ⁴¹⁰ S '08 Sq D 34-41. ⁴¹¹ Ap '12 Bul N M T A 6. ⁴¹² Mr '14 Am Ind 41. ⁴¹³ Ap 13 Am Ind 39. ⁴¹⁴ J1 '13 Am Ind 47. ⁴¹⁵ D '13 Am Ind 38-39. ⁴¹⁶ Ja '15 Am Ind 43. ⁴¹⁷ Ja '15 Am Ind 44; F '15 Am Ind 41. ⁴¹⁸ F '15 Am Ind 14; Mr '15 Am Ind 41. ⁴¹⁹ Pamphlet itself. ⁴²⁰ O '19 Am Ind 18-20. ⁴²¹ Printed address. ⁴²² Educational Literature, see title pages, (Abv. **Ed Lit**); Ja '13 Am Ind 44; Mr '12 Am Ind 40; D '14 Am Ind 44; Ap '14 Am Ind 43; D '11 Am Ind 41; Ap '11 Am Ind 44; '13 N A M 132; Ap '12 Am Ind 34; '18 N A M 15-16, 101-103; '19 N A M 196-197. ⁴²³ '10 N A M 281; '11 N A M 159; *Ed Lit*; S(1)'07 Am Ind 13-14; Au '10 Am Ind 20-22; D '14 Am Ind 39; F '15 Am Ind 10; '09 N A M 104; '12 N A M 33, 234; '05 N A M 69; '13 N A M 17, 132; '16 N A M, throughout; '18 N A M 250; O '20 Am Ind 10-12, see also 9-10. ⁴²⁴ '10 N A M 134; '15 N A M 172; Je '15 Am Ind 30. ⁴²⁵ '04 N A M 235. ⁴²⁶ '06 N A M 178; '11 N A M 67; *Facts vs Platitudes*

and Sophistry 29; Open *vs* Closed Shop 12-13; Ja '10 Bul N M T A 6.
⁴²⁷ Je '11 Am Ind 28; '11 N A M 116. ⁴²⁸ '20 N A M 297. ⁴²⁹ Jl(15)'04
 Am Ind 2. ⁴³⁰ '10 N A M 134. ⁴³¹ '12 N A M 93-94; see also '11 N A
 M 73-74, 81, 85-86; '10 N A M 107; '13 N A M 193. ⁴³² '10 N A M
 300. ⁴³³ D '15 Am Ind 15. ⁴³⁴ Je(15)'07 Am Ind 8. ⁴³⁵ Jl '14 Am Ind
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⁴³⁸ Synopsis of the Proceedings of the . . . Annual Convention of the
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⁴³⁹ Au(15)'06 Am Ind 10. ⁴⁴⁰ D(11)'20 Special Letter, A. E. I; see
 also D '20 *The Employer* 26; Special 2. ⁴⁴¹ Service No. 2; D '20 Am
 Ind 22-23; O '20 Am Ind 26-28; see also D '20 *The Employer* 19.
⁴⁴² O '20 Am Ind 7-12. ⁴⁴³ '19 N A M 377. ⁴⁴⁴ Attitude; '13 N A M 19.
 198; see also Ind Rel 729, 731, 745. ⁴⁴⁵ '09 N A M 112; '11 N A M 67.
⁴⁴⁶ My(1)'06 Am Ind 5. ⁴⁴⁷ Je '11 Am Ind 40; '14 N A M 87. ⁴⁴⁸ '13
 N A M 38. ⁴⁴⁹ Ja '12 Am Ind 11. ⁴⁵⁰ '10 N A M 288-289. ⁴⁵¹ S '07
 Sq D 23. ⁴⁵² Ja '11 Am Ind 41. ⁴⁵³ Au '19 Am Ind 12-13. ⁴⁵⁴ '12 N A
 M 42-43. ⁴⁵⁵ Au '14 Am Ind 44, 46; see also Au(1)'06 Am Ind 6.
⁴⁵⁶ Ja(15)'07 Am Ind 14; Je(1)'07 Am Ind 23. ⁴⁵⁷ '04 N A M 239.
⁴⁵⁸ F '15 Am Ind 43. ⁴⁵⁹ My '07 *Open Shop* 225. ⁴⁶⁰ '07 E A Dayton;
 '04 H I H 679. ⁴⁶¹ My '07 *Open Shop* 225. ⁴⁶² Je '08 Sq D 35, and
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 ciation of America 2-11, 15-16; also Proceedings of the same; '04 N A
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 Branch, National Metal Trades Association. ⁴⁶⁶ '04 N A M 25, 118-119,
 122, 129; F(1)'07 Am Ind 15; '07 N A M 43-44; Je(1)'07 Am Ind 11;
 '14 N A M 59; '16 N A M 78-79, 215; D(11)'20 Special Letter A. E. I.
⁴⁶⁷ '16 N A M 106, 112, 119, 124, 131, 136, 140, 144, 153, 164, 207, 251, 258,
 264, 278, 283, 285, 289; see also 102, 105, 116, 167, 168, 216, 224-226, 245,
 298. ⁴⁶⁸ '14 N A M 7, 80; Ap '15 *Preventive Appliances*. ⁴⁶⁹ Au '16 Am
 Ind 27. ⁴⁷⁰ N(26)'20 Letter, National Industrial Conference Board;
 Booklet, same, Ap '17; '20 N A M 133, 140. ⁴⁷¹ '13 N A M 81. ⁴⁷² '16 N
 A M 216; '20 N A M 131. ⁴⁷³ '09 N A M 231, 232; see also '10 N A M
 287. ⁴⁷⁴ S L H 2736-37. ⁴⁷⁵ Const N C I D. ⁴⁷⁶ D '20 Am Ind 20;
 D '19 Am Ind 31. ⁴⁷⁷ Const N C I D. ⁴⁷⁸ D '19 Am Ind 31; D '20 Am
 Ind 20; Const N C I D. ⁴⁷⁹ Const N C I D. ⁴⁸⁰ Const N C I D.
⁴⁸¹ '08 N A M 107-108, 295-298; Ja '09 Sq D 1-2; D '20 Am Ind 19.
⁴⁸² D '19 Am Ind 31. ⁴⁸³ Const N C I D. ⁴⁸⁴ D '20 Am Ind 20.

CHAPTER XI

THE NATIONAL CIVIC FEDERATION

THE National Civic Federation is unique among the important associations. As a permanent organization, it is the only one of its kind in America, if not in the world.¹ Aside from its propaganda activities, the only associations that it typifies are the temporary, informal, mediatory so-called "citizens' committees," gathered together to avert a serious strike. In fact, it is itself largely informal, since it has only a very brief set of by-laws in typewritten form, which were adopted in 1910. It has, accordingly, few formal rules.² In structure, purpose and activities, it is quite distinct from the organizations previously studied. For instance, its membership is conglomerate, its purpose mediatory, and its activities friendly to the American Federation of Labor.

Membership.—It has enrolled about 5000 members.³ These members belong to three general classes, namely, large employers, labor-union officials, and individuals more or less prominent in American life, selected to represent the general public,—hence its membership may well be characterized as conglomerate. Like its members, its officers belong to three classes, but in the main, leaders of other employers' associations and labor-union officials are most in evidence. At various times, the membership relations have been further complicated by the formation of branches in the larger cities of the country, and by the organization of state councils for legislative activities.⁴ Furthermore, it has made attempts to have district organizations covering a

number of states. The New York and New Jersey Branch has been the most prominent of these sub-organizations.

Government.—It is governed largely by an Executive Council, of which Mr. Ralph M. Easley — the founder of the Federation — is Chairman. This Council has full direction of the affairs of the Federation, between meetings of its Executive Committee.⁵ The members of the Executive Council are the staff officers, and they are also members of the Executive Committee, which consists of 48 more members than the Executive Council. The staff officers are the President, the Vice-Presidents, the Secretary, the Treasurer, the Chairman, and the Secretary of the Executive Council, and the Chairmen of the main departments of the Federation.⁶ These officers have been or may be elected in three ways; (1) by the delegates at the annual meeting adopting *en bloc* the report of a nomination committee appointed by the President, (2) by the choice of the members of the Executive Committee at the annual meeting, (3) by the members of the Executive Council selecting the President and Vice-Presidents.⁷ It seems any of these methods would leave the affairs of the Federation in the hands of a few men. For, although the work of the Federation, to a great extent, is nominally performed by committees and councils of the various departments, its policy and affairs are dominated by the Executive Committee,⁸ which is controlled by the Executive Council.⁹ The dominant spirit of the Federation is the Chairman of the Executive Council — Mr. Easley,¹⁰ who has held that position since 1904,¹¹ yet who has modestly denied before a congressional committee that he spoke for the Federation.¹² Of course, there is a strong outside controlling force — the financial — for the extent of any of the activities is determined by the voluntary subscription of funds for carrying them out, since the Federation has no other sources of revenue, not even from regular-dues-paying members.¹³

"The Executive Committee of the Federation [outside of the Executive Council] is made up of equal numbers of employers of labor, of the representatives of organized labor, and of men . . . chosen from the general public, who are not directly related to the labor question, either as employers or employees, but who represent that large body of the American people who are directly, and always indirectly affected by the relations existing at any given moment between employers and the employees,"¹⁴ ". . . the great public upon which both employers and their employees live."¹⁵ The representation is confined to men of prominence, noted financiers, politicians and clergymen, large manufacturers and national labor leaders: "Its National Executive Committee is constituted of three factors: the *general public*, represented by the church, the bar, the press, statesmanship, and finance; *employers*, represented by large manufacturers and the heads of great corporations, and employers' organizations; and *labor*, represented by the principal officials of national and international organizations of wage-earners in every important industry."¹⁶ "The object of bringing these different elements together is the very simple one of making them acquainted with each other."¹⁷ The number of the members of the Executive Committee seems to vary from time to time according to present or proposed activities.¹⁸ The other committees of the departments are fashioned after the Executive Committee¹⁹ with two exceptions, those of the Employers' Welfare Department and the Women's Welfare Department,²⁰ which have no representatives of organized labor or of the general public upon them.²¹ The Federation also had an Advisory Council, appointed in 1908, of 254 members, capitalists, labor leaders, prominent educators, lawyers, editors, and others.²² Rarely is reference made to this Council. In 1908, a list of names of the Councilors was given, and in 1914, letters from some of the Councilors were published

as endorsements of the Federation's projected social survey.²³ The Executive Committee seems to perform all its functions with very little advice from this Council.

The Purpose of the N. C. F. has been variously stated.²⁴ The most general one is :

“To organize the best brains of the nation in an educational movement seeking the solution of some of the great problems related to social and industrial progress; to provide for study and discussion of questions of national import; to aid thus in the crystallization of the most enlightened public opinion; and, when desirable, to promote legislation in accordance therewith.”²⁵

In labor matters — for it does not now limit its activities to the labor field — its purpose is shown by the adoption by an Industrial Committee, appointed in 1901, of the following “Statement of Purpose”:

“The scope and province of this Department shall be to do what may seem the best to promote industrial peace and prosperity; to be helpful in establishing rightful relations between employers and workers; by its good offices to endeavor to obviate and prevent strikes and lockouts, to aid in renewing industrial relations where a rupture has occurred.

“That at all times representatives of employers and workers, organized or unorganized, should confer for the adjustment of differences or disputes before an acute stage is reached, and thus avoid or minimize the number of strikes or lockouts.

“That mutual agreements as to conditions under which labor shall be performed should be encouraged, and that when agreements are made, the terms thereof should be faithfully adhered to, both in letter and spirit, by both parties.

“This Department, either as a whole or sub-committee by it appointed, shall, when requested by both parties to a dispute, act as a forum to adjust and decide upon questions at issue between workers and their employers, providing in its opinion the subject is one of sufficient importance.

“This Department will not consider abstract industrial problems.

"This Department assumes no powers of arbitration unless such powers be conferred by both parties to a dispute." ²⁶

Theories.— A clearer view of the attitude of the Federation may be obtained from statements of its theory of its own membership, of its policy, of the responsibility of capital, and of the cause and solution of discord between employers and their employees. Let us note some of the most important statements of the Federation leaders on these points.

Former President Low said,

"The National Civic Federation differs from most organizations in one vital characteristic. Most organizations have a membership that believes not only in the common object, but which has similar interests. The National Civic Federation has a membership with a common object certainly, but with very different interests, and that is why it can speak with such a unique voice on many of the great questions with which it concerns itself.

"We all believe in industrial peace and industrial progress. . . . We all agree on the general principles, but we do not always agree on the application of them, because it is clear that in every industrial and commercial enterprise there are three parties concerned — the employers, the workmen and the public; and in these days of vast enterprises, dominated everywhere and always by the spirit of organization, it is easy to understand how it is that each one of these parties is able to perceive its own interests a little more clearly than it can perceive the interests of others. But the National Civic Federation, by uniting in its membership representatives of all these parties, is in a position to do . . . a kind of service that no other organization in the country is capable of doing, for it brings together for mutual discussion men of these different interests, so that each is able to see and to recognize the other's point of view." ²⁷

"It sometimes happens in the Civic Federation that there arises a difference of opinion upon political questions and upon questions involving great measures of public policy. . . . But in the Federation we do not break apart because of such

differences; we rather agree to disagree where we must, in the full belief that just because of our differences our influence is all the greater as to the things upon which we can agree, when we do agree." ²⁸

Accordingly, it wishes to bring about an understanding between employers and their employees, so that when differences arise, their attitude will be "Let's talk it over," where formerly it was; "Let's fight it out." ²⁹ Its labor policy is definite.

"This body stands, first of all, for *industrial conciliation and arbitration*. It fosters the idea of the best possible relations between capital and labor. Through peaceful agencies, it believes, can be prevented many of the unfortunate conflicts whose strikes and lockouts harass alike worker, employer and general public. The Civic Federation upholds and sedulously encourages the principle of *collective bargaining*, which means that organizations of employers and organizations of workingmen shall get together and work out mutual contracts in reference to wages, hours and conditions of employment." ³⁰

So we may expect the Federation to favor the formation of labor unions; in fact, it interprets their selfishness as justifiable:

"If in seeking their own welfare trades unions appear to be selfish that should not be a reproach. It is not so long ago that an enlightened self-interest was held up as the cardinal motive of all economic activity, and if in these later days we have avoided seemingly harsh terms we surely have not changed the nature of the forces at work around us. The motive power of our industrial organization has not changed. It is behind all the forces that go to make up our complex society. We do not make it a reproach that banks and corporations and trusts and railways seek to influence legislation, to mold public opinion or to favor one political party or the other in the pursuit of their own ends. We expect it and accept it as a fact. . . .

"Capital is an abstraction, labor a living fact. The welfare

of the great masses of humanity lies behind the latter term. And we cannot help but feel that such selfishness as may be exhibited in the effort to ameliorate the lot of the average man should not be judged by the same standard as that which impels the action of the employer." ⁸¹

And from this we may infer that the employer is under certain obligations to his employees for their welfare, and this inference is borne out by official statements, such as the following: President Low, in speaking of the 89,000 stockholders of the Pennsylvania Railroad Company, said,

"No one contends that these people organize into a company in order to fight labor. They organize because they have to in order to work together, and, as a result of organizing, they are represented in every use made of their capital by their officers. Can any one seriously contend that these 89,000 stockholders, speaking through their officers, are justified in saying to their 160,000 employees, 'We insist upon dealing with you, man by man; we will not recognize your organization.' Is it not rather clear, that the 160,000 employees, so far as their interests are common, must unite if they are to have anything at all to say as to the conditions upon which they will work and if they unite, they must have an organization and they must be represented by their officers?" ⁸²

An editorial in the *N. C. F. Review*, the official publication of the Federation, states:

"A decent wholesome environment for the worker has come, in this progressive age, to be a part of the social and civic obligation of the modern employer.

"The frank recognition of this obligation on part of employers generally, whether manager, directors or stockholders, not only restores a large measure of the old personal contact which was the best feature of the earlier industrial systems — unfortunately lost sight of too often in the tremendous growth of commercial enterprises — but it goes far to remove the estrangement and want of sympathy out of which so much social prejudice, distrust and class feeling have grown. There is,

perhaps, no better antidote for radical attacks upon present institutions than intelligent, genuine and wisely directed welfare work." ³³

Finally, we note that "It is the expressed object of the Federation to organize into effective working groups the varied interests which are concerned in social welfare." ³⁴ But "capital must find adequate returns for its investment if wages are to be fair and discontent is to be averted." ³⁵ Capital must be conserved and discontent threatens it:

"The prevention of industrial revolution threatened by extremists and the promotion of industrial peace, are the reasons for the existence of the National Civic Federation. . . . It is the only organization that aims to bring together the three great interested forces of capital, labor and the general public to work out industrial problems through evolutionary, rather than revolutionary processes. . . .

"The entire movement represented by the National Civic Federation aims to bring into co-operation the sane and patriotic leaders of the forces of employers and employed, and of the interested but too often forgotten and forgetting third party, the general public. Its purpose is constructive, not destructive. It would develop, through the agencies here described, the best elements in the organizations of capital and of labor, and it would keep awake a wholesome public concern in the profit of one, the welfare of the other, and the prosperity of all, through the diffusion of an intelligent understanding of economic laws. It would show that organized labor cannot be destroyed without the debasement of the masses. It would show that organized labor can be led to correct its errors. It would show that capital can be taught the practicability of securing industrial peace in accordance with business methods. It would show that the twin foes of industrial peace are the anti-union employers and the socialists, and that the former are unconsciously promoting that class hatred which the latter boldly advocates. It would present a hopeful picture of future harmony between capital and labor, based upon the establishment of their rightful relations, instead of the pessi-

mistic prophecy of the degradation of labor because of its exceptional and inexcusable errors or crimes, or of a social revolution provoked by capital when organized for oppression." ³⁶

The Federation holds that the chief cause of discord between employers and their employees is that they "have not sufficiently been brought together, have not sufficiently looked into the faces of one another, drunk in the ideas of one another, and felt the warmth of the hands and hearts of one another." ³⁷ The extremists cannot then stir up discord between employers and employees who have thus been brought together; and so it is the purpose of the annual meetings, annual dinners, committees, and conferences to bring together the employers and the employed.

"The Civic Federation, in its public meetings, brings the large employers, the great labor leaders and the representatives of the public together. The anti-union employer cannot abide the spectacle of large employers taking into consideration and consultation union labor men, while the Socialists are opposed to such public recognition of organized labor on the part of capital because it is fatal to their class hatred propaganda. . . .

"To sum up, the union-smashing employers' association and the Socialists alike hate The National Civic Federation because it has brought together organized employers and organized workers, and, in helping them to see and appreciate their common interests has produced better relations. In so doing, it has rebuked, on the one hand, the gross brutality of those who refuse to acknowledge that the workers' unions have any right to consideration, and on the other, it has crushed the Socialist theory that all employers are greedy tyrants and taskmasters who cannot be trusted to be fair, nor to be treated with, but who must be wiped off the earth with all their possessions and with the whole industrial system in its present development." ³⁸

"The annual dinner of the National Civic Federation is an occasion whose opportunities lift commercial, political and economic questions to a broadly human and social plane. There the labor leaders, the financial and industrial captains,

the political magnates and the university dons and doctrinaires meet in friendly spirit at the common table. Aloof from the heat and clamor of the daily struggle and grind after a season of debate and discussion from opposing sides during the preceding meetings, the dinner guests take counsel together and with friendly voice talk over the issues in which they are interested." ³⁹

It was said of the Executive Committee that:

"These men are from every walk of life, and of the most varied and contrasting experience. In no country but the United States could be found, working on one board, such a group as this, where the Chief Executive of the Nation, his Secretary of the Treasury, and a United States Senator are uniting forces with chiefs of finance and leaders of labor, churchmen and legal lights, manufacturers, railway magnates and university presidents and scholars. It should be a good lesson in patriotism, this picture of men who are working together for the best interests of their people and of their country." ⁴⁰

The Federation plans to restore personal relations between employer and employee.

"As manufacturing establishments grow and finally organize and then become parts of other organizations, the direct personal touch between employer and employees is gradually diminished. Misunderstandings are more likely to arise when the personal element is removed. The only solution of the labor problem then lies in the 'round table.' The horns of the labor leader and the hoofs of the trust magnate soon disappear when labor and capital meet in a friendly discussion of the situation. Each one should try to put himself in the place of the other. It is usually discovered after threshing out the situation that they are not so far apart as had been expected, on the various questions discussed." ⁴¹

Of all these various meetings, the theory is the same as was said of the annual meeting in 1912,

"We are assembled here in the cause of industrial peace. The purpose of our meeting is to remove, as far as possible, all hostilities and recriminations, all bickerings and misunderstandings, between capital and labor, so that mutual love and good will may be inaugurated between them, and the glorious reign of business and commercial prosperity may be confirmed and perpetuated throughout the land." ⁴²

"The Federation believes that the trade agreement is the most advanced and practicable plan by which employers and employees can deal with matters relating to hours, wages, and conditions of employment." ⁴³ It contends "that while the interests of labor and capital are not always identical, they are usually reconcilable." ⁴⁴

"The interests of the two are not identical, because capital naturally strives to obtain the largest return in labor for the least pay; while labor just as naturally strives to obtain the greatest possible pay for a given amount of labor. These apparently conflicting positions are reconcilable, however, in any given trade at a given moment, because neither employers nor employees nor both of them together are masters of circumstance, and only such wages can be paid, speaking broadly, as general trade conditions will sustain. It is entirely consistent with the recognition of this difference of interest, however, that labor should strive continually to improve its working conditions; to shorten its hours of labor; to increase its pay; to better the sanitary conditions under which it is called to work; and generally to increase the share which labor obtains from the operation of the industries of the nation. The National Civic Federation recognizes that labor can accomplish such results as those, under modern conditions, only by organization; and it has therefore given its entire representation of the labor element to the representatives of organized labor, and especially to the representatives of the American Federation of Labor, and the Railway Brotherhoods." ⁴⁵

"Mediation and conciliation will not always serve to avert rupture, but in most cases, unless clear questions of principle

are involved, an honorable settlement of differences can, through their agency, be brought about by the exercise of patience and diplomacy.”⁴⁶

“Let, then, capital and labor join hands and work together harmoniously, and the increased prosperity of the nation is assured. Let our motto be: ‘Labor and capital, one and inseparable, now and forever.’”⁴⁷

Except as in the matters stated above, the leaders of the N. C. F. have the same underlying philosophy that the leaders of the other associations studied have.⁴⁸ With this general theory of the Federation in mind, we can better comprehend the development of its activities.

Evolution.—In 1901, the National Committee on Conciliation and Arbitration declared “its purpose to be the prevention of those most threatening of all industrial disturbances, the strike and the lockout.”⁴⁹ To such an extent were the activities of the Federation limited to this field in its early days that this seemed to have been its sole purpose, and the complaint was made that “At the outset, the National Civic Federation was met by a very general misapprehension of its mission. It was commonly and erroneously believed that it was organized to avert or settle strikes and lockouts.”⁵⁰ Much of the early history of the organization tends to confirm one in such a belief. In recent years, however, the Federation’s activities have been much broader.

Labor disturbances led to the formation of the National Civic Federation.⁵¹ The noted railway strike of 1894 presented such a serious situation to the Civic Federation of Chicago that its leaders called together a “Congress on Industrial Conciliation and Arbitration” in the same year.⁵² Mr. Ralph M. Easley was then secretary of the Civic Federation of Chicago, and he conceived the idea of a national body that would concern itself with the problems of labor primarily, rather than incidentally as the Chicago organiza-

tion was doing. His activities resulted in the formation of the National Civic Federation and also in the calling in 1900 of a second conference on industrial conciliation.⁵³ This conference endorsed voluntary conciliation with the trade agreement as the basis. A committee was chosen, which was able to avert, or rather, postpone an anthracite coal strike in 1900.⁵⁴ In 1901, the same committee, through a sub-committee participated in the attempts to settle the Albany Street Car Strike, the United States Steel Corporation Strike and the controversy between the National Metal Trades Association and the International Association of Machinists.⁵⁵ Its work was then regarded as very successful, for Mr. Easley, then secretary, thus wrote of its effects upon the Federation:

"It was the success of the Committee in this work that demonstrated to the public the practical character of the organization, and enabled it to command the attention and support of the representative men who accepted appointment upon the Executive Committee at the Conference in December following."⁵⁶

Departments.—However, in the more important cases, no lasting results were obtained, for the troubles in the anthracite coal fields broke out in the awful strike of 1902, and neither the National Metal Trades Association, nor the United States Steel Corporation now negotiate with the unions,—both have adopted a distinctly belligerent policy. In the case of the United States Steel Corporation, the Federation admits it met one of its great defeats.⁵⁷ Undoubtedly a recognition of this situation led the Federation then to extend its activities in labor matters and since then, from time to time, it has added new functions.⁵⁸ It has done this mainly by the organization of new departments with committees and councils. Among the numerous departments that have been organized at various times, many of which

have been discontinued or converted into other departments, are: the Industrial Department⁵⁹ (Department of Conciliation and Arbitration or the Industrial Conciliation Department), the Trade Agreement Department, the Department of Industrial Mediation (Department of Industrial Mediation Law), Welfare Department, Women's Welfare Department, Women's Department, Department on Workmen's Compensation (on Compensation for Industrial Accidents and Accident Prevention, on Industrial Accidents Prevention), Wage Earners' Insurance Department, Social Insurance Department, Wage Earners' Pensions Department, (Pensions), Department on Reform in Legal Procedure, Department of Organization, Industrial Training Department, Immigration Department, Industrial Economics Department, Department on Study of Revolutionary Movements, and a Minimum Wage Commission.⁶⁰ In addition to the Minimum Wage Commission, there remained in 1920 the following departments concerned with labor matters: Welfare, Woman's, Industrial Economics, on Study of Revolutionary Movements, Workmen's Compensation, Social Insurance, Immigration, Industrial Accidents Prevention, Industrial Training, and Pensions.⁶¹ A blending of some and their renaming, and the discontinuance of others, account for the remainder. The departments grew either out of committees of other departments, or out of conferences called for the discussion of problems which the department later took up as its reason for being. Since these departments have undergone so many changes of names and activities our discussion of the activities of the Federation cannot follow along the line of one department after another, but will have to deal with activities, grouped as follows: (1) Mediatory and arbitration activities, (2) Legislative activities, (3) Welfare work, and (4) Propaganda.

Let us take up these activities in this order.

Activities; Mediation and Arbitration.—In the discus-

sion of mediatory activities of the Federation, we shall also discuss some of its activities in arbitration, since these have grown out of and cannot be sharply differentiated from its attempts at mediation, for the latter shades into the former. The two terms are clearly different, and have thus been defined by the late President Low: "Mediation involves merely the good offices of a third party in the effort to devise a basis of settlement of any disputed question, which basis both parties to the controversy will be willing to accept. Arbitration, on the other hand, implies . . . that all attempts at mediation [or conciliation have not been tried, or] have failed and that the points in controversy remaining unsettled are to be determined by a board of arbitration."⁶² But since the Federation officials have acted as both mediators and arbitrators in a given case, the activities really form a continuous discussion. As part of its mediatory and arbitration activities have been directed towards securing legislation, we shall note them again at that point.

Activities, How Conducted.—The mediatory and arbitration activities of the Federation have been conducted by committees, boards and departments among which are the Conciliation Committee and the Arbitration Board of the Industrial Department (later renamed the Department of Industrial Conciliation) and the Department of Trade Agreements. The Conciliation Committee of the Industrial Department, consisting of nine committeemen, selected three each from the three classes of the members of the Federation, was organized in December, 1900, to carry out the work of mediation. An Arbitration Board, made up of two employers and two wage-earners, selected from the Executive Committee of the Federation, was provided for in cases where mediation had failed to effect a settlement.⁶³ Of individuals, Marcus M. Marks has had more to do with averting or settling strikes than any other member of the Federation.⁶⁴ The Department of Trade Agreements grew out of

the Department of Industrial Conciliation, and then was discontinued because its operation involved the organization of workers. The latter was converted into a Department of Industrial Mediation, which was mainly concerned with securing legislation providing for mediation and voluntary arbitration. The mediation work of the Federation now consists mainly of aiding governmental bodies to mediate labor disputes, and is performed by the staff officers. They have continued the bringing about of conferences between large employers and the labor organizations.⁶⁵

The field of the Department of Industrial Conciliation has seemingly varied. A statement about it in 1907 outlines its field as dealing with *strikes, lockouts, and trade agreements*; another in 1910 says that it deals entirely with *strikes, lockouts and arbitration*, while one in 1912 limits the field to *strikes and lockouts*. The statement of 1912, with additions from the earlier statements, reads:

"The Conciliation Department deals entirely with strikes and lockouts (trade agreements*) (and arbitration†). The services of this Department have been enlisted in over (about*†) five hundred cases, involving every conceivable phase of a problem interwoven with or underlying an industrial controversy. Its membership includes representatives of leading organizations of employers, of wage-earners and of the general public."⁶⁶

(*† "Through this membership information of any threatened trouble between capital and labor usually reaches the headquarters, from one side or the other, in advance of any public rupture. This early intelligence is of the utmost value, since the best time to adjust a dispute is before a rupture occurs."*†)⁶⁷

"Whenever it is possible to do so, the Federation co-operates with the State Boards of Mediation, supplementing their efforts by bringing through its members the weight of its influence as a disinterested volunteer force.

* 1907 Statement additions.

† 1910 Statement additions.

"This Department is urging an amendment to the State arbitration laws which seeks to prevent strikes and lockouts on quasi-public utilities." ⁶⁸

Successes and Failures.— From the above statements, it may be gleaned that the greater part of the work of this Department was performed in the earlier years — before 1907 — for it had dealt with "about five hundred cases" prior to 1907, with "about five hundred cases" up to 1910, and with "over five hundred cases," before 1912. The Federation concedes that this Department did very little in the period, 1908–09, ⁶⁹ and that its conciliation committee, although participating in the settlement of a few important strikes, ⁷⁰ in some cases was successful, and in others not. ⁷¹ We note also that by 1912, the Department had taken up the legislative side of the question, presumably, because its experience led it to deem certain legislation advisable, and possibly the results of its efforts in the old field were somewhat disappointing.

But, for a while its accomplishments in averting or settling strikes were highly satisfactory. ⁷² A summary of its activities in this field, published in 1905, is well worth repeating here:

"The active work of averting or of settling strikes or lockouts is conducted by the Department of Conciliation, composed of an Executive Committee, and a membership extending to every industrial center. When its good offices are requested by one of the parties in a dispute, it ascertains indirectly whether a conference would be agreeable to the other side. In responding to such a request, special precaution is exercised against any suspicion of meddlesome interference. ⁷³ If a conference is declined, the action of the Conciliation Committee ceases. But, if the overture is favorably received, the Committee develops the opportunity to bring representatives of the two parties together. This is a process often requiring the utmost tact and patience, especially when the questions at issue have caused irritation and aroused the stubbornness of pride

upon each side. There have been cases that required as many as fifty committee and sub-committee meetings and conferences, by day and by night, before a conclusion was reached. Several times, it has been necessary for labor members of the Conciliation Committee to argue on the floor of a union meeting, and for its employer members to appear before an employers' association. Upon several occasions, it required two or three hours to bring together in one room contending representatives, although they had been induced to come to the offices of the Civic Federation for the express purpose of a conference.

"Of the 156 cases treated by the Conciliation Committee, 82 applications originated with employers and 74 with wage-earners. The work of this Department is often of so delicate a nature that publicity would defeat its purpose. Thus it happens that the public, which always receives an abundance of information about a strike, may hear nothing at all about the inner negotiations which resulted in its settlement: or the public may be equally uninformed about the prevention of a strike that would have caused enormous inconvenience and incalculable loss.

"This Department is in a position especially adapted to this work of prevention. It is in touch, simultaneously and closely, with labor organizations; with organizations of employers formed to deal with labor; and with the largest interests of manufacturing and transportation. Through these connections, the Department knows in advance where trouble is brewing long before it reaches the acute stage, which is the most effective time to prevent strikes. For example, the head of a large labor organization notified the Department that there was incipient trouble between his organization and a corporation employing 15,000 men in a dozen States, and if their committee could not secure an interview with the officials of the company, a strike was sure to result. With this early warning, a member of the Department saw one of the directors of the corporation the next day and had no trouble in smoothing the way for the committee to secure a conference that averted the trouble.

"Some Illustrative Cases.—An accurate and detailed history of all the work involved in the cases treated by this Department would require a volume. It will suffice to cite a few

that will illustrate the national scope of this work, the value of its results and the methods employed in their accomplishment:

"The five-year contract of the American Newspaper Publishers' Association with the Typographical Union was in imminent danger of rupture on account of a serious misunderstanding in a western office. This contract was regarded as a model in some respects, and since the presidents of both organizations were members of the National Executive Committee of the Civic Federation, naturally an extra effort was made to prevent the threatened rupture. The effort was entirely successful. One of the difficulties, however, that developed in working under the contract was the inability to agree upon an umpire when any dispute had gone to arbitration. This was settled, for future controversies, by an amendment being made to the contract, referring the selection of the odd arbitrator to the National Civic Federation in all cases where the parties were unable to agree upon one.

"An official of a transcontinental railway, with offices in San Francisco, wired the headquarters of the National Civic Federation that a strike of the longshoremen was threatened at Iberia, La. It was soon learned, from the headquarters of the International Longshoremen's Association at Detroit, that the President was fortunately at that time in San Francisco. He was promptly communicated with and asked to call upon the railway official. This he did, and within six hours from the receipt of the first message, an order had been issued postponing the strike until an investigation had been made by the International President, that investigation resulting in the settlement of the grievance.

A committee of firemen from an important railway asked the Department to intercede in a difficulty that had reached the verge of a strike. Several conferences between the national officers of the firemen's brotherhood and the president of the railroad had been futile, although the president was conservative and had had long and successful experience with labor. The Department, after two weeks' work, brought about a complete settlement of all the questions in dispute. In this case, although the firemen had actually voted by a two-thirds majority

to strike, the public that rides on the road had never heard even a whisper of the difficulty.

"The machinists were on strike throughout the system of the Southern Railway Company. The president of the Machinists' International Association asked the good offices of the Civic Federation in securing an audience with the President of the Railway Company. This conference was brought about, and a satisfactory settlement resulted.

"A threatened strike on the New York, New Haven and Hartford Railroad last year for about two or three weeks seemed almost inevitable, as the President had refused to meet any national officer of the Railway Brotherhoods. The strike, however, was averted by a conference arranged by the President of the Civic Federation, between J. P. Morgan, one of the directors of the road, at his residence, and E. E. Clark, Grand Chief of the Order of Railway Conductors. At this conference, which lasted over two hours, Mr. Morgan went carefully into every detail of the situation, and took steps which brought about a settlement of the controversy.

"In the preliminary work leading up to the settlement of the great New York Building Trades lockout last year, the Conciliation Committee of the Civic Federation took an active but quiet part, and finally brought about the joint conference of the 30 employers' organizations and the 30 unions involved in the controversy. This conference, presided over by the New York Chairman of the Civic Federation Committee, resulted in the formation of the well-known arbitration agreement. Many times since has the Civic Federation Committee rendered effective service in lessening the friction incident to the operation of new machinery, as the Chairman of the Board of Governors of the Employers' Association and the heads of various unions have repeatedly and publicly testified.

"In the strike of the Marine Trades' Council against the New York Metal Trades' Association, which at one time involved the whole shipbuilding industry of New York, a conference was brought about by the Civic Federation, at which an arbitration agreement for one year was reached. This was renewed for another year.

"A very bitter controversy arose between the Associated

Brewers of New York and vicinity and the Brewery Workers' Union, threatening a boycott, strike and lockout. The contending parties came to an agreement among themselves to refer the questions in dispute to arbitration. The Associated Brewers preferred that the matter should be decided by labor men exclusively, and called upon the Civic Federation to furnish arbitrators, which was done, and the decision was satisfactory to both sides, the Associated Brewers winning their contention.

"Conference, arranged through the efforts of the Civic Federation, averted, in June, 1904, a strike of organized teamsters that would have tied up every truck in New York and caused untold inconvenience and distress throughout the city. The International Brotherhood of Teamsters demanded shorter hours, higher pay and the exclusive employment of members of their organization. The Truck Owners' Association refused to recognize the union at all. A strike was imminent, when the Secretary of the Truck Owners' Association invited the Chairman of the Conciliation Committee of the New York Civic Federation to review the situation. Two face-to-face extended conferences were sufficient, although the situation contained elements of bitterness, to reach a year's contract as to wages, hours and conditions of work, the truck owners agreeing not to discriminate against union drivers and the drivers agreeing not to discriminate in handling any merchandise.

"The good offices of the Conciliation Committee have been invited by one party or the other in many street railway controversies.

"A strike threatened to tie up the entire system of street railways in San Francisco, but was averted by a conference in the New York offices of the National Civic Federation, between the owners of the road and the Presidents of the Amalgamated Association of Street Railway Employees. All points of difference were agreed upon excepting two and they were submitted to arbitration, with the Vice-President of the National Civic Federation as the third arbiter. Through conferences secured by this Committee, both in New York and New Orleans, a threatened strike on the street railway system in New Orleans was averted, and contracts were signed be-

tween the contending parties. Other conferences secured by the Civic Federation prevented street railway strikes in Jersey City, Newark, Trenton, Pittsburgh, Newburg, and other cities. The Union Traction Company of Chicago was facing a complete tie-up of its lines because of the refusal to meet a committee of the men to discuss grievances. Application to the New York office of the National Civic Federation resulted in the Chicago members of the Executive Committee bringing about a conference which prevented a strike. Both sides publicly gave the Civic Federation credit for settling this matter.

"Probably no clearer example of the value of conciliation and conference could be given than their employment in relation to the elevated and subway systems of transit in New York. When the elevated men were organized a year ago, the road was changing ownership, and no one seemed willing to listen to the committees representing the men. The employees were impatient and restless because of these delays, when the Civic Federation secured them a conference with the managers of the road. This resulted in a contract for one year, which was renewed at its expiration this Spring.

"The opening of the Subway, however, introducing a new series of difficulties to be met. But the fact that August Belmont, President of the Interborough Company, and Messrs. Mahon, Stone and Wilson, presidents of the three labor organizations involved, were all members of the Executive Committee of the National Civic Federation, opened the way to conference and agreement." ⁷⁴

This summary was made at the time when the Federation was approaching its highest point in settling or averting strikes — 1905-07 ⁷⁵ — a period of great prosperity and rising prices when employers could easily make concessions in wages, and in hours if overtime was allowed. Nevertheless, the record is one of great achievement.

But some very interesting observations and inferences may be made from the above summary and other accounts of the Federation's work in mediating and arbitrating strikes. The first is that the success of the Federation was during

a prosperous period, and that from 1907 to 1914, comparatively little was accomplished, so little, in fact, that the department as originally created had practically ceased to exist. In the recent, more prosperous years, the work has been performed largely by the Secretary of the Executive Council and the President of the Federation. In the second place, the successes of the Federation were usually among its own members—that is, to say, the cases were those in which some of its members were financially interested, and the unions of some of its labor-leader members were involved. This, in itself, is highly creditable to the Federation—that it could settle what might be regarded as its family quarrels, and at a time when it was attempting to bring all employers and labor leaders into its family.

But the very situation has offered an unusual opportunity for the gravest sort of abuses in stock manipulation. It is a fair assumption that among the shrewd financiers of the country, there were some who saw the opportunity—and possibly a few of these took advantage of it. The Federation has always had among its members a large number of the leading financiers of the world,—there can hardly be a question that any other employers' association in the country is so intimately connected with "Wall Street." As we have seen, much of this work of the Federation has been conducted so quietly that only a few persons knew of it at the time.⁷⁶ In fact, one of the prominent officials of the Federation has said, "The very relation of its most important work is largely confidential. What the President related to you with reference to a strike occurring in the West, occurs constantly, and the same results have been obtained. You will notice that he did not even give the name of the corporation of the bankers between whom [and the labor organization] the difficulty existed, because, as the mediator, it is necessary that this organization should observe secrecy

always.”⁷⁷ What an opportunity for a manipulator to let matters drift toward a strike, and before the situation becomes known, to sell “short” in stock in the corporation, then let the situation be revealed to the public, and when the stock takes a tumble in prices, to buy heavily, not only to “cover,” but more, and then call in the Federation to settle the strike, if necessary make concessions to the strikers, and reap the profits off the transaction! And the Civic Federation would be innocent, no blame could justly be placed on it, for it could hardly remedy the situation, no matter how much it might wish to do so. This situation is merely one of the complications of the industrial conflict.*

Trade Agreements; Promotion of, Conferences Upon.

— The Federation has endorsed “model” trade agreements, held conferences on these, and organized a Department of Trade Agreements, now discontinued. Among the various trade agreements thus commended are those between the Stove Founders’ National Defense Association and the Iron Molders’ Union,⁷⁹ and between the American Newspaper Publishers’ Association and the International Typographical Union and other unions.⁸⁰ It has reviewed the trade agreements in the coal fields, on the great lakes, in the iron and steel industry, on street railways, in the cotton

* Mr. Easley has clearly explained the Federation’s position in this matter, but he has not denied that the opportunity exists because of the secrecy. His explanation helps greatly to illuminate a phase of industrial relations. He says, “That remark was based upon our discovery that neither employers nor labor men like to have it known that they are asking outsiders to mediate for them. In fact, we soon found that it was impolitic to let either side know that the other side had approached us, because it is a fact that it is only the weaker side that asks for help, and such application would be taken as an indication of weakness by the other side. Another reason for . . . [the] statement was that at first we were quite puffed up when we settled a strike and were not adverse to having newspaper publicity; but we soon found that both sides began to think that we were doing these things for the sake of advertising.”⁷⁸

mills,⁸¹ in the shoe industry,⁸² among the lithographers,⁸³ in the building industry,⁸⁴ in the brewing industry, in glass manufacturing, in textile manufacturing, among the garment makers, among the musicians and theatrical operators, among the printers, among the shipping interests, and on the great railway systems of the country.⁸⁵ It has published, for instance in 1919, "An Ideal Collective Contract," and has contended that union officials believe in the "inviolability of contracts."⁸⁶ Two of the annual meetings of the Federation have been devoted to conferences on trade agreements. It was at the conference in May, 1907, that the Department on Trade Agreements was organized. In 1908, Mr. John Mitchell, the Chairman of the Department, undertook to devote all of his time to the Department.⁸⁷ But the time was one of depression, and an agitation among the United Mine Workers, his union, finally forced him to choose to retain his membership in the union at the sacrifice of his position with the Civic Federation. The Department has ceased to exist, because it was "found that practically every case of collective bargaining resulted from a strike and that only organized workers could make collective contracts. It is not the business of the National Civic Federation to go out and organize the workingmen. That the unions have to do, themselves."⁸⁸ This Department's work was very similar to that of the Department of Industrial Conciliation and the work of the two has not been clearly differentiated, as the following quotation will show:

"The formation of the Department to promote trade agreements followed a conference upon that subject held in New York City May 7, 1904. Those who took part were employers, individual, and representing 70 trade organizations, embracing all the basic industries, such as the production of coal, iron and steel, and transportation; and employees representing national or local labor organizations. This gathering thus represented

hundreds of millions of capital and more than 2,500,000 wage earners. . . .

"The promotion of trade agreements by this Department may be illustrated by two examples. The organizations containing 95 per cent. of all the capital and labor invested and employed in the lithographic industry in the United States were at a deadlock over the demand by the employers for an arbitration agreement. The employees regarded the proposed form of agreement as tantamount to a surrender of the right to strike upon any question whatever, and had advanced several new demands. The services of members of the Trade Agreement Department being requested by an officer of the Employers' Association, negotiations were begun that resulted in the signing of a national trade agreement in April, 1904, [sic] that ended a six weeks' lockout, and that included a provision for arbitration and a method of securing compliance with decisions. Several of the conferences of the representatives of the two sides were so long as to reach the point of physical exhaustion, one of them, at which a member of this Department presided, lasting eight days.

"Conferences, brought about by this Department in the summer and fall of 1904, prevented trouble between the theatrical managers of New York and the unions of musicians and theatrical employees that would have involved every theatre in the country, from the Metropolitan Grand Opera House to the rural 'one night stand.' Instead, a trade agreement was reached, and such prominent managers as Messrs. Conried, Savage, Erlanger and Hayman became enthusiastic advocates of applying this business method to the production of public entertainments, while both theatrical managers and the organized musicians and stage hands expressed their gratification at the result."⁸⁹

From the above, it must not be concluded that the Civic Federation is an auxiliary to the American Federation of Labor, for, in arbitrating disputes, it has, for instance, decided on general principles in favor of the "open shop" in a difficulty between the New York City Typothetæ and the

local Typographical Union.⁹⁰ It has also condemned the exclusive features of the labor contracts in the building trades, a means by which all laborers in a trade are forced into the union, and all employers in that trade are forced into the association.⁹¹ Yet it did not regard unfavorably similar combinations in the needle workers' trades in New York City.⁹² Of course there were different circumstances in the two cases.

Mediatory Legislation.—From its attempts directly to avert strikes, the Federation in later years has turned more and more to trying to have laws enacted providing for mediation and arbitration of labor disputes. It had a department to formulate such laws, the Department on Industrial Mediation.⁹³ A committee of the Federation secured the enactment of the Newlands Act relating to labor disputes on interstate railways.⁹⁴ "A model state mediation act has been drafted. Its object is to effect amicable settlements of industrial controversies and is similar in many of its provisions to the federal Newlands law."⁹⁵ But the failure of the Newlands Act in 1916, seems to have been somewhat discouraging to the Federation, for this Department has been discontinued. The Federation still opposes compulsory arbitration and compulsory investigation of labor disputes, not officially, perhaps, "although in earlier days the officers of the organization, from Mr. Low down, were all opposed to either compulsory arbitration or compulsory investigation. This is also the personal view of Mr. Low's successor, Mr. V. Everitt Macy."⁹⁶ The N. C. F., in its annual meeting in 1912, endorsed the formation of a Federal Commission on Industrial Relations.⁹⁷ During the war a number of its officers were appointed on certain war committees and war boards which dealt with labor problems.⁹⁸ In 1918, it appointed two commissions, one to study industrial relations in Europe, and the other to make a similar study in the United States. The investigation was

especially concerned with the relations between labor and the governments. Among the topics studied and reported on were housing, labor and public opinion, shop-steward movement, democratization of industry, Britain's chaotic labor policies, and her triple alliance among the labor unions.⁹⁹

Other Legislative Activities.—The Federation has also been interested in the enactment of workmen's compensation laws, immigration laws, minimum-wage laws, in amending the Sherman Anti-Trust Act, in "anti-Bolshevik" legislation,¹⁰⁰ and uniform state laws in respect to child labor, shorter work-day for women, prevention of accidents in mines and factories, factory inspection, workmen's compensation, prison labor, pensions for federal, state and municipal employees, reform in legal procedure, and mediation in industrial disputes.¹⁰¹ It has organized departments, committees and commissions to consider these measures, to make recommendations, and in a number of cases to formulate model bills for enactment. An Immigration Department was created to investigate the facts about immigration, it secured some legislation in the State of New York to protect the immigrant against fraud, and was largely instrumental in having Congress authorize a Commission on Immigration.¹⁰² A Minimum Wage Commission investigated minimum-wage legislation in the United States, and issued a report thereon, in which it gave the advice to watch and wait to see how present laws work out.¹⁰³ A Department on Reform in Legal Procedure pled for both state and national laws to reduce court costs and to prevent delay in legal procedure.¹⁰⁴ A Committee on Pensions for Public Employees had "for its purpose the securing of proper legislation for retirement funds in the Federal classified service and for State and municipal employees."¹⁰⁵ It formulated a "model" pension bill to serve this purpose.¹⁰⁶ State Councils were organized in 31 states "to urge uniform State legislation on those matters

that are intrastate; to work for the co-ordination of State with Federal legislation where conflict now exists and to aid in securing Federal legislation on interstate matters that are concededly in the interests of public welfare.”¹⁰⁷ The Councils were the result of a conference called by the Federation to discuss the question of uniform laws, and of a series of organization meetings held in the various states.¹⁰⁸ These Councils today seem to be dormant or dead. An industrial Insurance Commission had planned to take up the matter of industrial-insurance laws and work for state uniformity,¹⁰⁹ but the activity seems to have been transferred to other departments. The Federation has also interested itself in political reforms. It held a conference on primary laws, ballot reform and corrupt practices, but does not seem to have formulated model laws to deal with these matters.¹¹⁰

Workmen's Compensation.—The greatest efforts of the Federation in legislative matters have been exerted in studying and discussing workmen's compensation and accident prevention, in formulating model bills, and in attempting to secure their enactment by legislative bodies. At each annual meeting from the tenth to the fourteenth, and at other recent meetings, a part or all of the time of the meeting was devoted to the discussion of some or many phases of the matter.¹¹¹ At first the Federation had a Committee on Industrial Accidents and Their Prevention, “To inquire into the need of amending State laws on employers' liability, with a view to securing uniform provisions looking toward compensation for industrial accidents; and to look into means of preventing accidents in all commercial and manufacturing enterprises.” As a result a great many ways and means of preventing accidents have been presented to the public through lectures, publications and exhibits on a noteworthy scale.¹¹² The Federation has had at least two departments concerned with phases of this work: the Departments on Compensation, or Workmen's Compen-

sation, and on Pensions.¹¹³ A joint committee of the N. C. F. and the American Federation of Labor made an extended investigation of workmen's compensation laws, and made a report thereon — "Workmen's Compensation" — which has since been published as a Senate Document (No. 419, 63rd Cong.). On the basis of the facts learned from the investigation, the N. C. F. formulated a new "model" workmen's compensation law.¹¹⁴ The Federation's Department on Workmen's Compensation had previously drafted a "model" law, but its compulsory feature was held to be unconstitutional by the Court of Appeals of New York. It had submitted this old "model" law to the legislatures of 33 states during 1911.¹¹⁵ "Briefs prepared by members of the Federation's Legal Committee, arguing for 'Compulsory Compensation,' and opposing the 'Elective Plan,' 'State Insurance' and the Proposed 'Federal Tax,' and dealing with the 'Police Power,' were submitted to the Congressional Commission [on Employers' Liability and Workmen's Compensation] at its several hearings and are being widely used in the Federation's educational campaign."¹¹⁶ This Commission is said to have adopted the principles of the Federation's "model" bill for compulsory compensation.¹¹⁷ After public and informal conferences were held, the Federation drafted a "model" elective compensation bill as a temporary expedient until a way could be found to overcome the Constitutional obstacle to a compulsory law.¹¹⁸ The Department, however, worked the problem over, and in 1915 was able to recommend to 41 legislatures "a memorandum of main provisions requisite to adequate compulsory workmen's compensation laws," and "two experts, sent to Colorado, at the request of Governor Carlson, framed and helped to secure the enactment of a comprehensive law."¹¹⁹

Accident Prevention.—Realizing, however, that accident prevention is better than compensation, the Federa-

tion has endeavored to prevent accidents by advocating a "model safety act" for uniform state legislation,¹²⁰ and by urging a "standard uniform blank prepared by its experts for the reporting of industrial accidents by employers and liability insurance companies to State Bureaus and Federal Departments,"¹²¹ for the purpose of learning the real causes of accidents, so that the causes could be removed.¹²¹

As the mediatory and arbitration activities have led the N. C. F. into the field of legislation so has its welfare work. For out of its Employers' Welfare Department has grown the movement for workmen's compensation laws, and for wage-earners' pensions,¹²² and doubtless, other movements for legislation. Legislation seems to be a second, or perhaps even a last resort in difficult cases. Nevertheless, the Federation, without having resorted to legislation, has accomplished much in welfare work. Let us now turn our attention to this division of the Federation's activities.

The Welfare Work of the N. C. F. has been carried on by the Employers' Welfare Department, the Women's Welfare Department, the Social Insurance Department and the Wage Earners' Pension Department. "Welfare work is defined by the National Civic Federation as the *voluntary* effort of the employer to improve the working and living conditions of his employees."¹²³ In promoting this work the Federation assumes that the employer recognizes clearly "that the first essentials to the welfare of employees are steady work, a fair wage, and reasonable hours of labor,"¹²⁴ but that he has a further obligation, for the Federation does not attempt to have welfare work done as the equivalent of better pay but as a matter of social justice, and in connection with the shortest hours and the best pay the men can get for themselves.¹²⁵ "The spirit of the age has thrown upon the employer, duties involving a proper regard for the comfort, health, safety and well-being of the employees."¹²⁶

Five general subjects are covered in this work:

"Sanitary Work Places: Systems for providing pure drinking water, for ventilation, including the cooling of superheated places, and devices for exhausting dust and removing gases; for lighting work places; and for safe-guards against industrial accidents; wash rooms with hot and cold water, towels and soap; shower baths and drying rooms for molders and stationary firemen; emergency hospitals; locker rooms; seats for women; laundries for men's overalls or women's uniforms; the use of elevators for women, and luncheon rooms.

"Recreation: The social hall for dancing parties, concerts, theatricals, billiards, pool or bowling; the gymnasium, athletic field, roof garden, vacations and summer excursions for employees, and rest rooms or trainmen's rest houses.

"Educational: Classes for apprentices; in cooking, dress-making, millinery; first aid to the injured; night classes for technical training; kindergartens, and libraries.

"Housing: Houses rented or sold to employees, and boarding houses.

"Provident Funds: Include employers' plans for savings or lending money in times of stress, as well as forms of industrial insurance."¹²⁷

The Employers' Welfare Department was organized at a conference on welfare work, March 16, 1904, and was made up then exclusively of private employers.¹²⁸ Since then public officials have been admitted on the ground that they are public employers.¹²⁹ Its purpose has also changed, as its work has progressed from educating the public in the real meaning and value of welfare work, and urging upon employers not engaged in welfare work their normal obligation to do so,¹³⁰ to being "devoted entirely to interesting employers in giving especial consideration to improving the conditions under which employees in all industries work and live."¹³¹ "The methods used are educational, the effort being to prove its value by holding up as good examples employers who have successfully introduced welfare

work for the benefit of their employees." ¹³² Welfare work of different concerns has been written up, and otherwise presented, in order to lead other employers to do likewise, — the motto of this department has been emulation. ¹³³

The Welfare Department has interested employers in welfare work in a number of different ways, among which have been by: " (1) addressing letters of information and inquiry to employers in fifty different industries; (2) securing the consent of employers' associations to arrange programmes at their annual meetings on the welfare work in their respective trades, and (3) asking trade journals to collect and publish illustrated accounts of welfare work in the industries covered by their periodicals." ¹³⁴ Furthermore, the Department has held conferences of welfare employers and welfare managers at the annual meetings of the Federation and also in various parts of the country. ¹³⁵ It has published and distributed widely, especially among private employers, illustrated literature on welfare work and devices. ¹³⁶ It has had a large number of stereopticon lectures as well as other addresses to be given in many cities on welfare work in its various phases. ¹³⁷ It has maintained a bureau of exchange in the offices of the Federation, where employers might obtain descriptive matter, plans and photographs relating to betterments in different industries. ¹³⁸ It has supplied welfare managers to employers on request. ¹³⁹ Its experts have made plans especially adapted to the conditions in the plant of the employer about to introduce some new phase of welfare work; ¹⁴⁰ and illustrated literature on means and devices has been sent out to architects and engineers, so that welfare devices would be placed in the factory and office buildings under construction. ¹⁴¹ The entire thirty-fifth floor of the Metropolitan Tower, New York City, was for a time devoted to a permanent welfare exhibit of medals, photographs, stereopticon views, moving pictures and litera-

ture.¹⁴² It has issued a large number of publications on welfare work.¹⁴³ It has urged that private employers and business associations have expert welfare committees appointed,¹⁴⁴ and that federal, state and municipal governments should have public welfare committees.¹⁴⁵ It had a course in welfare work given in the University of New York, in which a large number of lectures and lecturers were involved.¹⁴⁶ It has published "Standards for Factory Wash Room Facilities."¹⁴⁷ Investigations by the Department have been made in a number of industries.¹⁴⁸ A few of these investigations may well be taken to illustrate more in detail the welfare work of the Federation.

The Welfare Department has made investigations of the working and living conditions of both private and public employees.¹⁴⁹ It investigated welfare work and child labor in the Southern cotton mills, and reported very favorably on labor conditions, housing of workers, education of children, and recreation, but said that the hours of labor were too long, and far too many children were found employed in the mills, but that the criticisms of child labor in the South were gross exaggerations, if not wholly untrue. It contended that the mill owners through welfare work were really doing a great good for the child laborers — to quote a summary given in the *N. C. F. Review* — "and credit should be accorded them not only for giving food and shelter and an industrial training to the illiterate whites of the South, but also for steadily raising, through their welfare work, the standard of citizenship."¹⁵⁰

Likewise, it investigated the department stores of New York City at the request and at the expense of the New York Retail Dry Goods Association.¹⁵¹ Special investigators were sent out to make a comparative study of one store which did considerable welfare work with another which did little. The investigation covered 19 firms with 22 stores. Each firm was given a critical report of

its conditions and a general report. There were two sets of investigations. The first was made from January, 1911, to January, 1912, and the second followed in 1913 to bring the first one up to date after the firms had installed much of the recommended welfare work.¹⁵² The report was published in a special number of the *N. C. F. Review* in July, 1913. The Department employed no detectives and no secret methods in its investigation.¹⁵³ Good and bad features were found, and some exceptionally fine features were discovered.¹⁵⁴ The report also attacks severely as untrue the statement that department stores "make it their business policy to pay low wages with the expectation that these will be increased in a dishonorable way."¹⁵⁵ Criticisms of the report by the Consumers' League and the *Survey* led the Federation to reply vigorously to the criticisms.¹⁵⁶ Finally, it had one of the leading government statisticians pass upon the report and its conclusions, methods and deductions from the data set forth in the report, and he held that generally the report was scientifically constructed.¹⁵⁷ It had made an investigation of welfare work in mercantile houses in New York, Chicago, Kansas City, San Francisco and Sacramento, in 1905, but the stores then chosen were among the foremost in welfare work.¹⁵⁸

In public employment, the Department found great need for the installation of welfare work. It investigated and bettered the conditions for New York City policemen. Investigations were also made of federal employees in factory and office buildings, in the Brooklyn Navy Yard, and at Panama.¹⁵⁹ In the Panama Canal Zone, the investigators found many conditions that were in serious need of improvement. Housing, food, social life and regulations affecting the employment of the workers, were among the points covered in the investigation. The Americans had done much to better conditions there after they came, but

great improvement was made after the investigation and report were concluded.¹⁶⁰ In municipal affairs, an investigation of the hospitals of New York City revealed intolerable conditions — “conditions such as would not be tolerated by a private employer.”¹⁶¹

These investigations and reports set forth matters on which a great many people have had almost the opposite impressions. It has usually been assumed that the evils of child labor in the South were greater than its good, that low wages paid by department stores were a contributing cause for vice, and that working conditions at the Panama Canal were far better than at the ordinary construction camp. The Federation has undoubtedly corrected, by its investigations and reports, many wrong impressions on these matters. None of its reports has been a wholesale denunciation or approval, and they have surely done much to change conditions and clear up misconceptions.

Three of the committees of the Welfare Department have since become departments in themselves; the committee on wage-earners' insurance,¹⁶² the committee on pensions, the women's committee. As new departments, their work is very similar to that while they were only committees. Let us note briefly their objects and line of activity.

The committee on wage-earners' insurance had for its object, “To promote employers' voluntary relief associations, and to investigate the need for uniform legislation covering such employers' sick, accident, pension and death benefit associations.”¹⁶³ As a department, it has encouraged “employers to start voluntary relief associations, which include sick and death benefits as well as pensions for aged employees in commercial enterprises.”¹⁶⁴ Later its name was changed from Wage-Earners' Insurance Department to Social Insurance Department. A committee from this Department made a study of the National Health Insurance Act of Great Britain,¹⁶⁵ and advised that the United

States should wait and watch how Great Britain's law worked out until time to test it had elapsed, and also stated that we had obstacles here that Great Britain did not have to overcome.¹⁶⁶ More recently, this Department has opposed compulsory sickness insurance, and has attacked proponents of such measures for alleged falsifications in their propaganda. It has made a second investigation of social insurance in foreign countries, and in general reported adversely. The Department, however, has recommended that special state commissions be selected to study sickness insurance — the extent of sickness, its cause, prevention, wage loss, displacement, treatment and care.¹⁶⁷

The Department of Pensions has taken up the problem of pensions for employees in civil service and in private establishments, and has, among other things, issued a booklet upon "The Problem of Pensions," which discusses federal, state, municipal and industrial old age pensions in the United States and Canada.¹⁶⁸

The Women's Department, formerly called the Women's Welfare Department, is very similar to the Welfare Department. The main difference is in membership. While the Welfare Department is made up exclusively of employers, public or private, "The Women's Welfare Department is composed largely of women who are themselves stockholders or who, through family relationships, are financially interested in industrial organizations (including railroads, mills, factories, mines, stores and other work places) and who, therefore, should be interested in the welfare of workers in enterprises from which they draw their incomes; there are also, among other influential members, the wives of public officials."¹⁶⁹ Like the Welfare Department, the Women's Department has carried on investigations, held conferences and public discussions of welfare work, distributed bulletins, and secured the installation of welfare work in various establishments.¹⁷⁰ A list of some

of its committees and sub-committees present, proposed and past, will give some idea of its activities in brief.

Among the committees, sub-committees, and similar groups that have been formed in the Women's Department, with their special work, are the following: The committee on industrial economics was concerned with that subject as it related to women and children, such as questions of hours and wages, also legislation and legislative problems such as minimum-wage laws.¹⁷¹ The committee on industrial employees had sub-committees on cigar factories, garment trades, stationary firemen, traction, teamsters, printers, and recreation, and made investigations of working conditions and recommended ways to improve bad conditions in these trades.¹⁷² The committee on government employees had sub-committees on postal employees, navy yards, new buildings, city hospitals, and state hospitals, and worked for the extension of welfare work among government employees, federal, state and municipal.¹⁷³ At one time, there was a congressional section, composed of the wives of senators and congressmen, the women who carried on a campaign for welfare work in the home districts and states,¹⁷⁴ but this section was discontinued after a short while.¹⁷⁵ There was also a country-life committee to study rural problems, a vacation committee to encourage savings for vacation expenditures, a school committee¹⁷⁶ to better conditions for teachers,¹⁷⁷ and various other committees and sub-committees under state or district sections, of which there have been a varying number. Probably the New York and New Jersey Section has been the more active.

In 1918, the Women's Department had eight sections namely, Public Employment, Housing, Food Production and Conservation, Responsibilities of Citizenship, Public Health, Prison Reform, Shop and Factory Welfare, and Legislation. The vacation committee of this Department had been converted into a "Vacation Association, Incorpor-

ated," and as such had investigated country boarding houses to ascertain to which ones working women might safely go for their vacations. It further found, after an extended survey "the astounding fact" that few employers gave paid vacations to their women employees. It has established lodging houses and club rooms.¹⁷⁸

In 1920, this Department had taken up the consideration of the inadequacy of the public school system — low wages paid to teachers, short terms, and lack of standardization.¹⁷⁹

Through its committees, sections, etc., it has investigated factory and mill conditions, state institutions, jails and prisons, distributed bulletins, had factory towns provide visiting nurses, studied infant mortality in a mill town of mothers who worked in the mills contrasted with those who did not, and helped to organize the Society for the Prevention of Useless Giving, and worked for its extension among the working girls.¹⁸⁰ The New York and New Jersey Section studied and issued a report on mercurial poisoning in New York City and vicinity.¹⁸¹ This Section also investigated clothing manufacturing in New York City, and found in the factories some examples of fine welfare work with conditions generally good, but, in the tenant factories and tenement houses, some deplorable conditions.¹⁸² A recent summary of the work of the Women's Department states that,

"Emergency work for the unemployed here and relief for injured soldiers in the European War; stimulation of savings funds and recreation resources; the passage of a law as the dying request of its honorary chairman, Ellen Wilson [the former Mrs. Woodrow Wilson], to secure the abolishment of the unhealthful alley tenements in Washington; improvements in conditions of industrial and government employees; prison reforms and efforts for rural improvements in agricultural communities are cases of its endeavors."¹⁸³

In the latter part of 1920, a Housing Committee presented a plan to meet the national housing problem. This plan attempted to embody certain advantages, namely, to be "generally practicable, devoid of classism, non-socialistic in character, economically feasible, adaptable for urban and suburban needs, interesting to the essential interests, i. e., private and institutional investors and bankers, not burdensome to the Federal Government," or the government of any state. The outstanding feature of the plan was the proposal for a government guaranty of the bond issues, a scheme somewhat similar to that embodied in the Cummins' Federal Railroad Act of 1920.¹⁸⁴

Propaganda.—In its propaganda, the Federation does not differ greatly in a general way from other associations, such as the National Association of Manufacturers. The methods are not essentially dissimilar except as to details. The difference in attitude of the two associations towards unionism perhaps explains the distinctive development of each. Accordingly, we shall emphasize the distinctive features of the Federation's propaganda rather than try to cover the whole field in detail. } (X)

A study of the Federation's propaganda may be made under the following heads: campaigning for members, discussions, investigations, publications, lectures and exhibits, department of immigration, department of industrial economics, study of revolutionary movements, attacking socialism, and defending the unions.

In the beginning, the Federation planned to carry on an extensive campaign for members by means of a department of organization, as this quotation will show:

"The Department of Organization devises and carries into effect plans for extending the membership in each of the groups of the National Civic Federation. For this purpose it proposes to establish seven centres in the United States—at Boston, New York, Pittsburg, Chicago, Denver, San Francisco, and

New Orleans. At each of these centres there will be employed a secretary and a salaried office staff. Local Conciliation Committees will be formed in every city of importance within the territory covered by each of the seven centres." ¹⁸⁵

But the effort failed, and members are now secured by personal appeal of old members and officers, and by the general propaganda of the N. C. F.

With the widening of the struggle, the propaganda of employers' associations tends to grow as the organizations meet the growing complexity of the problem. The Federation in its development has followed the rule. From trying to prevent or settle controversies directly, it began to "look beyond the strained relationships to the causes which induced them. Inquiry, discussion, education are important factors in the settlement of vexatious problems, which are sociological as well as industrial; and this new departure in the work of the organization admits of a broader conception of the possibilities and opportunities afforded by intelligent review, research and agitation." ¹⁸⁶ "All the educational activities of the National Civic Federation recognize the proposition that its fundamental work is not merely the prevention or settlement of strikes and lockouts. Its deeper work reaches to the underlying causes of industrial disturbances." ¹⁸⁷

Discussions and Conferences.—The discussions of the Federation have taken on the form of conferences at the annual meetings, and by the various departments then and at other times and in different cities. "The annual conferences are devoted to the public discussion of such practical topics as 'Trade Agreements,' 'Wages and Cost of Living,' 'The Shorter Work-Day,' 'The Open and Closed Shop,' 'The Minimum Wage,' 'Restriction of Output,' 'Piece-Work and Day-Work,' 'Arbitration,' 'Apprentices,' 'Introduction of Machinery,' etc. The practical value of these discussions arises from the participation of actual

employers and labor leaders, as well as economists, each of whom learns the others' points of view."¹⁸⁷ The annual conferences have been held in New York, Chicago, or Washington. The general subjects of the conferences have been industrial peace for the first five conferences, then immigration, child labor, government by injunction, trade agreements, workmen's compensation and accident prevention, social insurance, old-age pensions, profit sharing, reform in legal procedure, industrial mediation laws, and "shop industrial training."¹⁸⁸ A special conference was held in Washington, D. C., in 1910 on uniform state laws.¹⁸⁹ In addition, a great many conferences have been held by the various departments, sometimes at the annual meetings, other times in cities throughout the United States.* A local conference that caused considerable comment was the one between capital and labor, held at Mrs. Potter Palmer's residence in Chicago in 1907.¹⁹⁰

Investigations and Reports.—Out of the conferences have grown investigations, since the discussions brought out conflicting statements as to facts or conclusions drawn from the facts.¹⁹¹ Investigations were, accordingly undertaken by a department, commission or committee of the Federation. Among these have been investigations on workmen's compensation laws, published in a report entitled "Workmen's Compensation";¹⁹² on minimum-wage legislation, embodied in a report, "Minimum Wage by Law"; on working conditions in the garment trades of New York, and reported on in "Welfare Work, Clothing Manufacturing, New York City";¹⁹³ on old-age pensions, with a report entitled, "The Problem of Pensions"; on

* Perhaps the most pointed criticism of the conferences of the Federation was unconsciously given in its own statement [in the *National Civic Federation Review* (D(20)'18, p. 1), in reference to the fact that few meetings of the Federation had been held in the latter half of the year 1917, and in the year 1918] that, "The Executive Committee felt that it was a time for action rather than conference."

profit sharing, in a first, and a second, expanded and revised, edition of "American Employers' Profit Sharing Plans";¹⁹² on welfare work in the best types of department stores in the United States, in "Welfare Work in Mercantile Houses";¹⁹⁴ welfare work in the department stores of New York City — two investigations — reported upon under this name;¹⁹⁵ on immigration problems, in "Facts on Immigration"; on Great Britain's Health Insurance Act, in a report similarly named;¹⁹² on child labor in the southern cotton mills; on government by injunction;¹⁹⁶ on sickness insurance, by the Sickness Insurance Committee on Preliminary Foreign Inquiry, and set forth in two reports; and on amendment of the Sherman Anti-Trust Act, in which investigation 20,000 questionnaires were sent out to prominent people generally.¹⁹⁷ It also had a Commission on Foreign Inquiry which embodied the results of its investigations in a book on "The Labor Situation in Great Britain and France."¹⁹²

Lecture Bureau.— Closely connected with its public discussions, is its series of lectures which were given throughout the country a few years ago. The N. C. F. organized a Public Lecture Bureau in 1907, when the following statement was issued with reference to it:

"Its purpose is to present to the public different views on important national questions by the best writers and speakers available, including prominent employers, financiers, university presidents, publicists, economists, representatives of the church, bar, labor organizations, etc. Addresses on a number of social and industrial topics have already been given under the auspices of this Bureau in a number of the large cities, including among others, New York, Boston, Chicago, Philadelphia, Providence, Cleveland, and leading cities of the South; and at the present time arrangements are being made to increase the scope of the work by having prominent speakers deliver addresses on live questions in practically every large city. With the co-operation of the press of the country, which has given considerable space

to the lectures delivered so far, a most important educational work is being accomplished. Among the prominent speakers so far engaged by the Bureau is Mr. W. H. Mallock of England, who recently delivered a series of lectures at the leading universities of the country on 'Socialism.' The speakers who are to follow Mr. Mallock will appear before commercial, religious, labor and educational organizations and institutions."¹⁹⁸

Officers of the welfare, industrial economics and immigration departments delivered a considerable number of lectures during 1906-07.¹⁹⁹ Except for the Welfare Department, most of the lecturing activity has declined in recent years.

Publications.—In addition to the reports noted above, the Federation has issued intermittently pamphlets, leaflets, books and a periodical. The published reports of the annual meetings are of book size, and with the *National Civic Federation Review*, constitute the greater bulk of the propaganda publications.

The *National Civic Federation Review* is issued very irregularly, due to the use of funds at one time largely for the *Review*, at other times for pamphlets and books. The Federation had intended the *Review* to have a very important place in the "education" of the public, as the following quotations will show:

"The monthly *Review* of the National Civic Federation has a mailing list of about 50,000, which is steadily increasing. It is sent to labor leaders, employers, and others professionally in touch with public opinion, such as preachers, editors, lawyers, and publicists. With unrivalled facilities for obtaining data as to the causes and treatment of industrial disturbances; with articles contributed by economic scholars, industrial experts and hard-headed men of affairs, with the sources at its command of all important industrial news, The *Review* has become an effective educational agency,"²⁰⁰

"The chief mission of the National Civic Federation being educational, it presents accounts of much of its work in a

monthly periodical entitled *The National Civic Federation Review*. This publication is sent to the principal libraries and educational institutions of every country; to the executive and departmental officials of every nation; to the headquarters of all professional, literary and scientific societies; to organizations, both national and local, of employers and employees; and to thousands of editors, clergymen, educators and other leaders of thought in the professions, commerce, finance and industry. The *Review* has become a far-reaching educational force in the elucidation of many great public questions."²⁰¹

The first statement was made in 1904, and the second in 1907. Enthusiasm was high then. In 1908 and 1909, however, there were only three issues each year, only one each for the years 1911 and 1912; only two each for 1910, 1913, 1914, and 1918; and none for 1915, 1916, and 1917. In 1919 and 1920 issues were frequent, averaging one a month for 1919, and about half that average for 1920.

Most of the subjects frequently discussed in the *Review* are along the lines of the conferences, reports of investigations, and comments thereon. The more prominent exceptions will be noted later on.

A Press Service is now attempting to serve, in part, the function once performed by the *Review* in reaching the editors and through them the public. Press sheets have been sent out by the Federation, and it has thus had its propaganda extended through the space given these by the newspapers of the country.²⁰²

Among the numerous leaflets and pamphlets issued by the Federation are the following: "The Present Activities of the National Civic Federation," "Welfare Work — Address of Herbert H. Vreeland," "Vast Welfare Activities Under Way," "Welfare Department, The National Civic Federation," "Department on Welfare Work of the National Civic Federation," "Address of President Seth Low, December 11, 1913," also of December 4, 1914.

"The National Civic Federation; Its Methods and Its Aim, Education, Conciliation, Industrial Peace, What It Has Done, What It Is Doing, What It Hopes To Do," "Present Activities The National Civic Federation," "The Work of the National Civic Federation," "Socialism and The National Civic Federation," "Socialism and War," "The Social Problem as Seen from the Viewpoint of Trade Unionism, Capital and Socialism," "Socialism as an Incubus on the American Labor Movement," "Germany's Most Successful Hoax," "A Refutation of False Statements in Propaganda for Compulsory Health Insurance," "After-the-War Problems," "Compulsory Sickness Insurance," "Compulsory Health Insurance," "Addresses . . . on the British Labor Party's Program of Reconstruction," and leaflets on the Federation of various dates, and on the several departments.²⁰³

All of the departments previously studied have been chiefly engaged in propaganda work, but there is one department which is pre-eminently a propaganda organization, the Department of Industrial Economics. Another department which has not previously been considered at length herein — the Department of Immigration — was also of a propaganda character. A statement of the objects and activities of this Department, given here, points out that investigation, discussion and reports formed the great part of its work:²⁰⁴

"The Department of Immigration is composed of more than two hundred representative men from all classes and sections. Its purpose is the investigation of all important phases of the immigration problem, the Department being organized into seven distinct committees comprising Committees on Basal Statistics, Supply and Demand, Legislation and Its Enforcement, Naturalization, Agencies for Advancing the Welfare of Immigrants, International Relations, and Oriental Immigration. The result of the work of these different committees is to be

reported to the Department through its Executive Committee for final action.

"This Department was organized at the request of the National Immigration Conference held in New York City, December 6-8, 1905, this conference being attended by more than five hundred delegates appointed by Governors of States, leading commercial, agricultural, manufacturing, labor and economic organizations, and by prominent ecclesiastical and educational institutions.

"Some phases of the immigration problem with which the Department will deal include such subjects as the character of immigration, assimilation of the immigrant into American national life, the necessity for further restrictions, the administration of immigration laws, the effect of immigration upon our industrial, political and broad social life; the part played by the steamship companies, causes of European immigration, European inspection and examination, proportion of immigrants who become criminal, insane and charitable dependents; the effects of immigration upon the native birth-rate, the selection of immigrants, naturalization, Asiatic immigration, etc." ²⁰⁵

The Department of Industrial Economics has actively engaged in propaganda through discussions, investigations, reports, and other publications. It has undertaken a survey of social and industrial conditions, a very ambitious effort to find out all the good and the bad in our present industrial system.²⁰⁶ In this Department, all the scattered propaganda activities of the Federation have been gathered.

This Department "is composed of leading economists, including the heads of the departments of political economy in universities, lecturers and economic and legal authors; editors of the daily press, of politico-social magazines, of trade papers and of labor journals; representatives of the pulpit; large employers, and representatives of labor." ²⁰⁷

The Department of Industrial Economics was organized December 15, 1904, "to give instruction to the public . . . as to the facts of industrial strife, . . . to be the means of

giving great publicity to all the elements of industrial strife, . . . a strong means for a just and rational publicity, . . . the means of educating public opinion in the reasoning of the trade union on the one hand and of the employers' association on the other." ²⁰⁸

In accordance with its aim "to promote discussion of practical economic problems," the Department began the discussion of many of the vital and frequently irritating questions that arose in the Conciliation Department in connection with the attempted prevention or settlement of controversies. Among these have been "Wages and Cost of Living," "The Shorter Work Day," "Government by Injunction," "The Boycott," "The Right to Strike," "The Union Versus the Non-Union Shop," "Restriction of Output," "The Ratio of Apprentices," "The Minimum Wage," "Piece Work Versus Day Work," "Compulsory Arbitration," "Scientific Management," "Individual Liberty," and "Socialism." ²⁰⁹

Its social and industrial survey was anticipated in 1909 by the Department when it began the study of three general subjects:

First—"In its fundamental principle, is our government representative or democratic?"

Second—"Has any portion of society the right to use its combined purchasing power for its own benefit, and if so, in what manner and to what extent?"

Third—"The menace of Socialism to American institutions." ²¹⁰

The first question involved a "consideration of direct nominations; the initiative and referendum; imperial mandate and recall; direct election of judges and of the United States Senators; abolition of the executive power of veto; and an amendment of the Constitution by a majority vote." The second embraced the "consideration

of the first and secondary boycott; the white list, the union label; co-operative purchasing, etc., etc.”²¹⁰ Clearly the Department was greatly widening its fields of investigation.

In 1914, this Department began its social and industrial survey of the progress in our national life within the past thirty years.²¹¹ “The object of the survey is to summarize the changes in our national life and to gather together the essential material from which to judge where there has been an advance in well-being, where there has been a loss, and how far in the aggregate gains and losses balance or outweigh one another.”²¹² “It deals with the ceaseless criticism of existing institutions, takes up the question of the unrest, and summarizes the remarkable developments during the last few decades.”²¹³

The main divisions of the inquiry, as originally planned, were (1) labor conditions, (2) employers' welfare work, (3) child welfare [also named child labor], (4) agricultural conditions, (5) housing conditions [also named tenement-house conditions], (6) immigration, (7) collective bargaining and methods of mediation and arbitration, (8) educational opportunities, (9) organized social service [also named efficiency of organized social service], (10) distribution of ownership in investments, (11) free speech and right of assembly [also named free speech and public assembly], (12) business ethics, (13) political ethics, (14) the church's influence on social and economic progress [also called institutional church work], (15) municipal government, (16) judicial procedure, (17) public health, (18) enforcement of law and order, (19) penal and correctional institutions, (20) industrial profit sharing, (21) social insurance, (22) workmen's compensation, (23) industrial loans and savings, (24) foods and drugs, (25) division of people's income [also listed as theory of surplus value], and (26) the minimum wage.²¹⁴ In 1916 only eight of these were reported upon in a preliminary report. Of the

eight, only three may be said to have a close relation to labor problems, namely, labor conditions, employers' welfare work, and housing conditions. A report was later issued on the division of people's income, or theory of surplus value. The scope of all of the divisions may well be illustrated by two examples from the entire list, labor conditions and division of people's income.

Under labor conditions, the questions to be considered were:

"How do wages, hours of labor and the physical conditions of the factory and home, compare with those of thirty years ago? Have the work of the American Federation of Labor, the Railway Brotherhoods and the social reform organizations and the legislation secured by them, prohibiting child labor and regulating conditions in factories, mercantile establishments, mines, bakeries, tenement houses and sweat shops, really benefitted the wage-working men, women and children of this country?"²¹⁵

Under the division of people's income, as stated under that head, came the following question: "What changes have taken place in the proportionate return to labor and capital in the gross earnings of industry?"²¹⁶ Under the heading of theory of surplus value, this additional question was to be considered. "Does the difference between labor cost and selling price represent employer's profit?"²¹⁷

It is partly in the fields of these two divisions that the Federation has been very active as a propagandist—defending trade unionism in the United States, and attacking Socialism

Defending the A. F. of L.—The Federation has defended the American Federation of Labor and its president, Samuel Gompers; also the railway brotherhoods.²¹⁸ The *N. C. F. Review* has printed an article that states that although there has been lawlessness carried on under the

cloak of unionism, the advantages of unions over no unions are greater.²¹⁹ The bad element in the unions is condemned and so are certain strikes, for example, another article in the *N. C. F. Review* characterized the teamsters' strike in Chicago as "The wanton, inhuman indefensible Chicago strike," and another union was extolled for lecturing the Chicago striking teamsters.²²⁰ But, it was pointed out editorially in the *N. C. F. Review* that in specific strikes, for instance, the miners' strike in the coal fields, that the days lost by the strike were no greater than the summer layoff would have been if there had been no strike, and that the unions made an actual gain in wages.²²¹ The Federation, however, argues against sympathetic strikes and for the sacredness of contracts.²²² Former President Low said that "The great body of organized labor movement in the United States, as represented by the American Federation of Labor, is conservative in its methods and believes in evolution rather than revolution."²²³ He also defended Samuel Gompers in general and apologized for him in the specific case of the McNamaras.²²⁴ Also The *Review* exonerated Gompers of the charges of having trampled upon the flag,²²⁵ or of having been drunk at the Seattle convention of the A. F. of L.²²⁶ Gompers was also upheld for his attack upon the issuance of injunctions by the courts and his attempt to have the practice modified.²²⁷ The *N. C. F. Review* published excerpts from letters of Gompers and stated that he gave sound advice.²²⁸ His political action was likened to that of the Chicago Municipal Voters' League, also to the National Association of Manufacturers, but no analysis of the underlying motives was made in each case.²²⁹ Low also defended the unions' attitude towards apprentices, and attacked the employer's use of apprentices in any class of work to displace skilled workers.²³⁰ The Federation has condemned the movement to smash the unions, especially by the anti-union associations,²³¹ and has pointed

out that the smashing of the unions has led to the development of a powerful Socialist party in Australia.²³² It has defended the unions' regulation of output and wages, on the ground that such regulation was to prevent destructive competition, just as trade associations regulated output and prices.²³³ It has attacked the statement that the workers are only ten per cent organized. In turn, the Federation has been defended by Gompers and other labor officials.²³⁴

Attacking Socialism and Revolutionary Movements.

— The Federation has made a strong assault upon Socialism. It has done this indirectly by its efforts to better working and living conditions for the working class — and this has probably been its most effective way. Directly, it has made an attack upon the aims and methods of the socialists. It has been "endeavoring in every proper way to counteract that propaganda, . . . [and] to show the fallacy of Socialism."²³⁵

Its aim in doing this is to prevent a great industrial war, such as it believes the socialists and the association leaders of the Parry type, unhampered, would cause, for,

"Obviously, if these radicals on both sides were to have their way, a revolution would be precipitated that could only result in the absolute control of all industry, either by despotic capital, or by despotic labor, or by the State."²³⁶

The Federation has opposed Socialism by means of public addresses. The Federation invited W. H. Mallock of England, to lecture before the universities of the United States, presumably to offset the activities of the Intercollegiate Socialist Society.²³⁷ Its own officials have, on occasions, condemned Socialism.²³⁸

A number of booklets have been issued by the Federation, in which Socialism was attacked.²³⁹ Mallock's lectures before the universities of the United States were

published in book form under the title, "Socialism," and distributed widely by the Federation.²⁴⁰ A long letter of Easley's in reply to one from Morris Hillquit, was published in booklet form, also in the *N. C. F. Review*.²⁴¹ This booklet was entitled "Socialism and the National Civic Federation," and it defended strongly the work of the Federation, and attacked vigorously the methods and doctrines of Socialism. This attack was summarized in an oft-repeated quotation from Gompers to the effect that the socialists are economically unsound, socially wrong, and industrially an impossibility.²⁴² Easley wrote another booklet, "Socialism and War," in which he proved that the socialists are not real pacifists, that they are opposed to capitalist wars but not to war on the capitalists, that they "are now against armies and navies and battleships and forts, and all the other panoply of war, because they do not want to have to meet those armies and navies when they undertake to confiscate the property of the world and take over the governments to themselves."²⁴³ It issued a leaflet on "Socialism, Prussianism and the Stockholm Conference."²⁴⁴ Under the title "The Social Problem as Seen from the Viewpoint of Trade Unionism, Capital and Socialism," the Federation issued a booklet made up of open letters between Upton Sinclair and Vincent Astor in a correspondence debate, with letters from some unionists appended.

The *National Civic Federation Review* has contained a large number of articles attacking Socialism. It published a letter of some length from a labor official replying to William Dean Howells on Socialism.²⁴⁵ Another article was a condemnation by David Goldstein and Mrs. Martha Moore Avery of socialists for their methods, philosophy, etc.²⁴⁶ It quoted from a book, "Problems of To-day," by Andrew Carnegie to show "Socialism's menace to the family."²⁴⁷ From time to time, the *N. C. F. Review* has condemned the socialists for garbling Lincoln's speeches to

show that he believed in Socialism;²⁴⁸ for attempting to undermine the army and navy by making mutiny a virtue and desertion heroic;²⁴⁹ and for trying to prevent reform in the hope that things will ultimately become so bad that there will be a revolution.²⁵⁰ It has likewise censured the socialists for preaching the Marxian doctrine of increasing misery.²⁵¹ It denounced the socialists for their attempts to destroy the unions, at first directly, and when that failed, by indirection, in trying to capture them by a "bor-ing-from-within policy. It published a "stinging rebuke for socialist intrigues,"²⁵⁰ "for the baleful influence exerted by socialists in the ranks of organized labor and their constant intriguing against labor officials who decline to subscribe to their disloyal creed."²⁵² It scored the Western Federation of Miners for being socialistic and opposing trade-union principles.²⁵³ It rejoiced over the Socialist repulse at the Atlantic City Convention of the A. F. of L., where a resolution was offered by the socialists demanding that the officials and members of the A. F. of L. resign from the N. C. F.²⁵⁴ It republished from the *American Federationist* an attack upon the socialists and C. W. Post and John Kirby, Jr.—anti-union association leaders—in which the socialists are condemned for their "perverted intellect, and contemptible, envious, insincere, and malicious comments upon the annual dinner of the N. C. F."²⁵⁵ It has pointed out that "the two irreconcilable foes of the National Civic Federation" are the "anti-union employers and revolutionary socialists," who "oppose the Federation's program for industrial peace." It printed in parallel columns the attacks on the N. C. F. by the socialists and the anti-union associations to show how similar these attacks from the two extremists were.²⁵⁶ In recent months, the *Review* and other publications of the Federation have been filled with strong denunciations of socialists for alleged pro-German and Bolshevik attitude and activities.

Among the groups and organizations denounced were the Rand School, the New School for Social Research, the Church Socialist League, the American Civil Liberties League, and all those whose teachings might tend to produce revolution, especially the preachers and professors. Shop-committee plans have likewise been condemned as a scheme favored by the Bolsheviks to establish soviets.²⁵⁷

Thus, while the National Civic Federation is very friendly to the American Federation of Labor, it is distinctly militant to all organizations tainted with Socialism.²⁵⁷ It denounced and belittled the Industrial Workers of the World;²⁵⁸ condemned socialist Sunday schools;²⁵⁹ and attacked Christian Socialism as inconsistent, on the grounds that its aims and scope were identical with those of international socialism, and its theories unsupported by Christian authority.²⁶⁰ The N. C. F. has characterized the Rand School of Social Science as a socialist school where revolutionary doctrines were taught, American patriotism ridiculed, and the gospel of despair for young men and women preached.²⁶¹ It charged the *Progressive Journal of Education* with publishing the gospel of despair for teachers and children.²⁶² It lamented the publication and distribution of a "Socialist Primer," as a spreader of class hatred.²⁶³ It condemned the Intercollegiate Socialist Society for seeking "to inflame the mind of the American youth."²⁶⁴ It criticized the literature distributed by this Society as ranging "from revolution to inanity."²⁶⁵ In connection with its attack upon the Society, the *N. C. F. Review* contended that 90 per cent of all the socialist writers, workers and open-air orators "are not working-men and have nothing in common with the interests of laborers"; that the socialists, like the anarchists, "dwell upon the most extreme and exaggerated evils of present society"; and that the growth in the socialist vote is grossly overestimated and wrongly interpreted.²⁶⁶

The most recent activities of the N. C. F. in opposition to Socialism and socialistic movements, are as follows: It has strongly opposed any recognition by the U. S. Government of Soviet Russia.²⁶⁷ It has held a conference on Socialist Tactics. As a result of this conference, it created a General Committee to Inquire into the Objectives and Tactics of Revolutionary Forces in this Country, which has evolved into a Department on Study of Revolutionary Movements, designed "to aid progress and combat revolutionism."²⁶⁸ This Department has divided the work among twelve committees, namely; a committee on socialist doctrine (and tactics), "whose work shall include the preparation and distribution of literature and the organization of a training school for speakers;" a committee on text books, "to study text books on history, political economy and civics in the high schools and colleges," in order to detect the revolutionary ones; a committee on soviet propaganda (in the United States); a committee on evaluation of official statistics, "to evaluate federal, state and municipal statistics as well as socialist deductions from same;" a committee on the fundamentals of our Constitution; and a committee each on the church, the college, the public schools, labor, soldiers and sailors, philanthropic agencies, and on organization, "to make an intensive study of the extent to which revolutionary forces have penetrated the various industrial fields, social organizations and institutions," and to survey our industrial, political and social progress.²⁶⁹ One of these committees has proceeded well into an investigation of text books for public schools and colleges, and intends to expose all books which do not teach Americanism.²⁷⁰ The N. C. F., furthermore, is planning the creation of National Service Committees to combat radicalism.²⁷¹ The Federation has also attacked the Peace Conference Labor Code on the grounds that it is applied international socialism.²⁷²

The Federation has been strongly American in relation to the war. It condemned the *Nation*, the *New Republic*, the *Survey*, the *Public*, and the *Review of Reviews*, for being pro-German, or for being pro-Bolshevik since the war, or both.²⁷³ It organized the "League for National Unity," and has circulated the leaflets of that League.²⁷⁴

The N. C. F. has, by no means, limited its activities to industrial relations. It has, for instance, undertaken a number of comprehensive and expensive investigations of municipal ownership and of governmental regulation of public utilities. It issued exhaustive reports upon each of these investigations. Recently it has condemned public ownership generally. It also organized a scheme by which 500 school teachers were sent to Europe for a two-months educational tour.²⁷⁵

The Interrelations of the Federation to other associations have been numerous.²⁷⁶ It is interrelated through officers of other associations who are also members or officials of the National Civic Federation. Instances of this are: in 1912, on the Executive Committee of the N. C. F. were Otto M. Eidlitz, of the Building Trades Employers' Association of New York City, Marcus M. Marks, President, Association of Clothiers, New York City, and Louis B. Schram, Chairman, Labor Committee, United States Brewers' Association.²⁷⁷ Closer relations between it and other associations have been sought by its speakers appearing before those associations, or vice versa.²⁷⁸ Examples of this are: President Seth Low addressed the National Metal Trades Association in convention assembled in 1909 and appealed to that Association to join in the efforts of the N. C. F.;²⁷⁹ representatives of the Federation's welfare department have addressed other associations, such as the National Association of Wool Manufacturers²⁸⁰ and the Iowa Manufacturers' Association. George H. Barbour, of the legislative committee, N. A. M., Frederick Driscoll, Commis-

sioner of the A. N. P. A., Frederick T. Town, President, N. F. A., and A. Beverly, Secretary, Lithographers' Association of the United States, addressed the Federation at its third annual conference. There have been other friendly relations; it influenced the Clothiers' National Association and the National Retail Dry Goods Association to take up welfare work.²⁸¹

Its relations with the National Association of Manufacturers were very unfriendly during the period from 1904 to 1912, since then, the official organ of the N. A. M. has commended some of the reports of investigation of the N. C. F.²⁸² There was a time when there were bitter charges and countercharges made against each other by the two organizations.²⁸³ The commendations of the reports of the Federation by the N. A. M. may mean that the latter organization is becoming less belligerent in character or that the N. C. F. is becoming slightly more belligerent in theory, or at least, less mediatory. Since the Federation has discontinued its conciliation department, we may judge that it is becoming less mediatory in nature. The two organizations had an exchange of convention speakers in 1915-16.²⁸⁴ Chairman Fish of the National Industrial Conference Board spoke before a meeting of the N. C. F. in 1920, but his statements were attacked in an editorial in the *National Civic Federation Review*.²⁸⁵

Although the N. F. A. has never been on very friendly terms with the N. C. F., the President of the former commented very favorably on the report of the N. C. F. on the comparative returns of industry to capital and labor.²⁸⁶

While the achievements of the National Civic Federation are noteworthy, with due consideration to the difficulties that it has had to meet in the labor field, yet it has been far from being successful in accomplishing its object of industrial peace. The widening of the struggle has forced the Federation to widen its activities. Its most remarkable

success has been in having employers extend their welfare work, but welfare work does not guarantee industrial peace. The Federation has performed a useful function in showing the limited possibilities of mediation.*

The National Civic Federation has, however, received more publicity than any other association of equal achievements. It has been able to capitalize the names of the most prominent men and women in America, who have served upon its committees and in its departments and councils, such as no other association has been able to do.

* See Mr. Easley's frank admission of failure to make the Federation solve "the whole capital and labor problem," in S(30)'19 *N. C. F. Review*, in his address on Jan. 29, 1920, and in his "The President's Industrial Commission" of Sept 16, 1919.

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CHAPTER XII

THE LEAGUE FOR INDUSTRIAL RIGHTS

(FORMERLY THE AMERICAN ANTI-BOYCOTT ASSOCIATION)

THE League for Industrial Rights, formerly the American Anti-Boycott Association, furnishes a clear case of an employers' organization which is practically open to any and every employer or employer's association, and which limits itself mainly to the special field of law and legislation.¹ It "stands as a national agency and clearing house on all legal and constitutional phases of the labor problem,"² and for the open shop as against the closed union shop or the anti-union shop.³ It is without doubt the most secretive of associations today.⁴ So reticent has it been that for a long time no statement was available as to the number of members it had, the total capital represented or the number of employees that were in the shops of its members.⁵ In 1915, it was said to have had nearly 1000 members — nearly 600 active members and over 300 contributors — but the capital or the number of employees represented was not given.⁶ Since then, it has opened its doors to the various employers' associations and civic bodies, and the number of members has greatly increased. In 1919, alone, the increase in members was 50 per cent and its staff was trebled. In September, 1921, it had approximately 2000 members.⁷ Contributors have not the rights of active members in voting nor in securing the financial support of the Association in suits at law on labor matters as have the active members. But contributors may consult the legal staff of the League and receive all the publications, confidential reports, and similar matter issued by the organization.⁸

"It adopted its present name* early in 1919 in order to fit its increased and broadened activities." ⁹

Its Government is simple. The various industries are classified into groups and each of these groups selects one member to the General Executive Board for one year. The management of the League is vested in this Board. The powers of this Board in the management of the Association are practically limited only in a financial way,— "No obligation shall be incurred unless the funds to the amount thereof are in the Treasury." ¹⁰ Otherwise the Board may undertake any lawful activity. It may appoint an Executive Committee of five members from its own number, it may in its discretion furnish counsel and bear any or all expense in connection with any litigation instituted with its consent for the protection of the rights of any of the members of the Association, and it has the power to employ and remunerate a Secretary and counsel or other agents and assistants,— all of which it has done. ¹¹

Dues.— The Association derives its revenues from the dues of members and the contributions of contributors. The size of the contributions is limited only by the generosity of the contributors. The dues of individual members are an initiation fee of \$25 and assessments on call of \$1 on each \$1,000 of the member's monthly pay-roll of his workmen for the month previous to the issue of the call. Formerly not more than six assessments could be made in any one year. But from 1913 to 1920 the number of assessments was limited by practice to three each year. No assessments may be levied when the fund in the treasury exceeds \$100,000. The maximum assessment on any individual member for any one time is \$500. The member-

* "The change in our name," says a letter from the League, "was necessitated by reason of the fact that due to our very much enlarged activities the old name was no longer sufficiently comprehensive, and also there was quite a considerable amount of objection raised to the old name as being too belligerent."

ship dues for affiliated associations are \$25 initial fee and assessments on call of \$10 each.¹²

The Objects of the League, according to its Constitution, are:

“To protect its members (and their employees)* and promote the public welfare by proper and legal resistance to boycotting, picketing, unlawful strikes and other labor conspiracies, and by co-operating with the public authorities in the suppression thereof.

“To oppose federal and state legislation injurious to the public good, which would impair the rights and remedies of members in the employment of labor, or destroy industrial freedom.

“To educate the public to a better understanding of the questions relating to the employment of labor.

“To † provide for the joint retainer by the members of one or more attorneys to advise and act for each member in matters within the scope of the Association’s work.”¹³

To these objects, it has recently added another, that of proposing federal and state legislation, as is set forth in the italicized clause in the following statement:

“The object of the League is to improve industrial relations; to safeguard constitutional rights and uphold the supremacy of the law in industry; to secure life, liberty and property in industrial disputes; *to establish a public policy in relation to industrial warfare and thereby minimize unwarranted strikes*; to safeguard the rights of society as a whole as affected by the labor problem.”¹⁴

The Association has always had as its main purpose “to promote good citizenship, individual liberty, the open shop,” and “to maintain law and order and individual liberty in the field of industrial relations.”¹⁵ “As a pioneer anti-Bolshevik organization it has been battling in the courts and before committees of legislatures to accomplish the following

* Omitted in revised Constitution. † Added in revised Constitution.

ends: (1) to preserve legal and constitutional rights in industrial disputes; (2) to protect employer and employee against illegal strikes, picketing, boycotting, or other unlawful acts; (3) to secure legal responsibility and integrity of contract; (4) to safeguard individual liberty."¹⁶

Its widened activities are, in part, thus explained:

"Industrial peace and the economic soundness of our institutions for the future depend largely upon our constitution and liberties. To preserve these in the critical period of reconstruction is one of the primary duties of this Association."¹⁷

"We face an era of industrial change. Our institutions now in a state of metamorphosis will be molded by the events of the next few years. Organized labor realizing this is preparing for great activity. The great mass of unorganized workers is wavering between allegiance to their employers and affiliation with the ranks of their militant brothers."¹⁸

The League holds a unique place in the general association movement,—it is primarily a legal institution, yet is one of the more progressive associations in attitude toward industrial conditions. Its aims have thus been elucidated:

"The League aims to be the progressive wing of the employers' movement and in many respects has carried out this aim, its work having been largely limited to the maintenance of what it believed to be fundamental principles—it refuses to enter into conflict or controversy with labor except where those principles are at stake. In this way it has kept itself free from those general prejudices which control so many employers' associations whenever labor unions are under discussion and has maintained an independence of thought and spirit of liberalism which is very promising.

"It is surprising to find an organization which has spent so much of its energies in fighting the excesses and abuses of unionism and which has become so imbued with the extent of those excesses and abuses, boldly condemning discrimination against union men and openly inviting consideration of various methods of employee representation, profit-sharing and other

devices to secure better co-operation between employers and employees.

"It is a great tribute to this organization that its effective work in fighting illegal labor combinations has not led it into a prejudiced and illiberal attitude toward labor organizations.

"On the contrary, it seems to stand for a progressive spirit which constitutes a safe and wholesome leadership for the employers of the country." ¹⁹

The Association's Program—its "Magna Charta" and "Bill of Rights"—has been stated as follows:

"It is the supremacy of the law, no strikes against the government; industrial liberty; the integrity and enforceability of contracts; self-determination, or the right of every contended organization of employers and employees to ply its peaceful pursuits without the interference of outside agitators; the right of every employee to determine without unfair pressure from employer or labor union whether or not he shall join a labor union." ²⁰

Supremacy of the law, "in the present application means that labor unions and all associations must be legally responsible within their chosen field of activity." ²¹ "When labor unions instigate strikes, they must be held responsible for all accompanying lawlessness which they might prevent, and when they enter into collective contracts they must underwrite and guarantee those contracts. The law should not acquit them of this responsibility until they affirmatively demonstrate that they have used the full power of their influence and discipline to prevent such illegal acts." ²²

"Collective responsibility must accompany collective action. Unions must be responsible for acts of their agents. The employer is responsible for the acts of his agents and servants; he employs them at his peril and guarantees their conduct to society while engaged about his business. Labor unions must assume an equal responsibility for the acts of their delegates, leaders and pickets. If public and private rights, whether on public utilities or in private industries,

are to be protected against the over-reaching of powerful organizations, it is essential that legal responsibility and legal restraints should accompany the right of combination, whether of labor or of capital. Democracy demands this in the name of self-preservation. Power without responsibility is the essence of tyranny." ²³

"So through all these years, by every avenue that we can find," says its Counsel, Daniel Davenport, "we have endeavored to preach and to carry out the principle of Individual Liberty, the right of a man to work and earn his living whether he belongs to a union or not, provided he respects the rights of others and obeys the laws of his country. The great effort of the Society has been with the help of the Judiciary, to write into the fabric of American jurisprudence this principle." ²⁴

Combats Unionism Along Legal Lines.—The League is therefore combative both offensively and defensively. It fights the unions along legal lines. It uses the law to enforce open-shop conditions whenever its members are involved. It "deals with the problems of government and law in industrial affairs." ²⁵ Its formation in 1902 grew out of the attempt of the United Hatters of North America by means of strikes and boycotts to force D. E. Loewe & Co. to unionize its plant. ²⁶ As its original title indicated, it combated and still combats boycotts through governmental agencies and education. As it defines the term, the "Boycott must be regarded as that un-American and reprehensible practice of organized labor whereby the products of a given manufacturer or any individual are held up to denunciation, contempt and proscription under a spirit of blackmail, merely because in the opinion of a prejudiced class, whose verdict for this very reason may be biased and therefore unjust, the manufacturer or workman is regarded as unfair to labor." ²⁷ Thus it is seen that the Association regards as a boycott the attempt of a com-

bination to prevent the purchase or sale of various sorts of merchandise, and of nonunion labor. It fights illegal strikes in the courts²⁸ on the grounds that "all unlawful strikes are boycotts."²⁹ It does not combat strikes as does the National Metal Trades Association, or other organizations in that class. "The American Anti-Boycott Association makes no pretense of dealing with acute controversies between employer and employee. Its purpose is deeper, more far-reaching, and more permanently effective. It aims to ascertain what is the law of the land, and then to secure its enforcement, firm in its conviction that the law will suffice to deal with these problems, and probably solve most if not all of them."³⁰ Since strikers generally have little success in preventing the use of strike-breakers except by violence or intimidation, or in forcing the employer to terms save by the application of the boycott to his products, this Association strikes at a vital spot in the unions. For, in so far as the coercive tactics of the unions are declared illegal, it can bring the whole force of the government to bear in favor of the employer in a labor dispute. Fundamentally the common law is adverse to the practices of the unionism of today, and the interpretation and application of the principles of the common law have built up a body of law relating to labor disputes not favorable to unionism.³¹ So the Association has as its chief function "the interpretation, enforcement, publication and preservation of the law as it affects the relations of employer and employee,"³² that is, "to resist illegal labor activities, to prosecute flagrant offences against equity and right, to emphasize and give publicity to the law, and to resist intelligently and vigorously all efforts to nullify or alter provisions of law which preserve and protect the essential rights of man in consonance with the constitution of the United States."³³ Pre-eminently the Association stands for the education of the employer so he will understand his rights in these respects, and the fact

that the law will protect those rights if he will appeal to it in the right way at the right time.”³⁴ Accordingly, it advises its members on the conduct of law suits, problems of legislation, the drafting of agreements with employees individually or collectively, and on similar labor problems.³⁵ Not only has it made the employer conscious of his legal rights, not only has it enforced the laws relating to these rights through the agency of the courts, but it has even been compelled to oppose both state and federal legislation that would lessen or destroy such rights under the law, and to go into politics.³⁶ In fact, all the gains the Association has made through its long legal battles “would be completely nullified by the passage of such laws.”³⁷

Legislative Activities.—Ever since the establishment of the Association in 1902, Mr. Daniel Davenport, its General Counsel, has appeared in Washington, D. C., in opposition to all bills which he regarded as inimical to the interests of the members of the Association. Among the bills opposed by Mr. Davenport were those which provided for the abolition or modification of the use of injunctions in labor disputes, the trial by jury for contempt of court, the exemption of labor unions from the Sherman Anti-Trust Act, the legalization of the union boycott, and the establishment of an eight-hour day on all work done for the government by private concerns under contract.³⁸ That his efforts were generally successful is attested by the fact that he and James A. Emery were able for the period from 1902 to 1912 to secure the defeat of practically all the bills urged for enactment by the officials of the American Federation of Labor.³⁹ Although an eight-hour bill became a law in 1912, it was modified so that it did not entirely satisfy the labor officials who were urging its passage, and the credit for these modifications belongs in part to Mr. Davenport.⁴⁰ Similarly with the Clayton Anti-Trust Act passed in 1914, he aided in securing modifications in the sections that relate to

labor matters through the insertion of the word "*lawful*," which the courts have declared takes from the law the meaning intended by its proponents.⁴¹ Decisions by the Supreme Court indicate that such is the case on every major point.⁴² The proviso of the civil-service sundry appropriation act exempting labor unions from prosecution by means of any funds thus appropriated, did not vitally affect the activities of the League since practically in every case in which it has taken part the cost of the prosecution, counsel and investigations has been at the expense of the League.⁴³ Similar work has been carried on before state legislatures, and the briefs and arguments gathered and compiled by the League have been made available to employers generally, in opposing state legislation which they do not desire.⁴⁴

The League has not limited its activities to opposing legislation desired by the unions, but is itself a legislative proponent. It has sought legislation which would make labor unions, or other voluntary associations, legally responsible for damages to a person they or their officials or agents have illegally wronged,—under such a law the unions could be sued the same as a corporation. The League has advocated the enactment of laws prohibiting agitation for, or support of a strike or lockout or other sort of "unwarranted industrial warfare," (1) in the case of employees of the government or of public utilities, (2) in violation of an agreement or an arbitration award, (3) against a party who is willing to submit the issue to arbitration, (4) without giving reasonable opportunity for consideration of the demands, (5) where there is no grievance on part of those intending to strike. The penalties for the violation of such laws are to be damages recovered in action at law, and imprisonment for contempt of court for disobedience to injunction orders.⁴⁵ "These bills are the result of years of deliberation and it is believed that their enactment in the various state legislatures would in the long run do much to

stabilize industrial conditions and protect the public from unjustifiable interruptions in industry.”⁴⁶ A third legislative proposal of the League is a bill prohibiting policemen and firemen from going out on strike, or from joining any labor union affiliated with another union in another line of employment.⁴⁷ The League argues for governmental regulation of unions when they are in public employment or in industries and businesses affected with a public interest.⁴⁸ It is watching with great interest the operation of the law providing for the Kansas Industrial Relations Court, and believes that the law should be given a fair trial.⁴⁹ This law practically establishes a system of compulsory arbitration.

The League makes synopses and analyses of proposed legislation, both federal and state, and publishes these in *Law and Labor*.⁵⁰ The Association has gone to much trouble and expense in collecting briefs and arguments against labor-union bills proposed before state legislatures. It has called upon the various employers' associations to furnish any briefs or arguments available.⁵¹ By collecting these, the League has obtained a wealth of material for the purpose of resisting the enactment of “labor” legislation.

Political Activities.—In regard to the pledging of candidates for public office to special groups or legislative proposals, the League is strongly opposed to any pledging other than to support the Constitution and laws. The League is an ardent supporter of the Constitution.⁵² It has also resolved that it would aid Gov. Allen of Kansas to maintain the sovereignty of that state and endorsed him for his stand on the enforcement of the law establishing an Industrial Relations Court.⁵³

Litigation; Noted Cases.—The Association has been interested in the prosecution of a large number of cases against the unions before the courts by suits for damages, criminal actions and injunctions.⁵⁴ One of the first of these

was the case of the Kellogg Switchboard and Supply Co. in 1903. This case finally reached the highest court in the State of Illinois and the decision rendered there established a precedent for a multitude of other labor cases.⁵⁵ In this decision the rule was laid down that a strike to compel an employer to conduct a closed shop is illegal.⁵⁶ Far more noted are the cases of the Danbury Hatters (*Loewe vs. Lawler et al.*), and the Buck's Stove & Range Company *vs.* the American Federation of Labor, and the contempt case of Gompers, Mitchell and Morrison growing out of it. The Danbury Hatters' case involved the prosecution of the hatters' union for treble damages for the losses sustained by D. E. Loewe & Co. as the result of an interstate boycott on the hats of that company. The original suit was instituted under the provisions of the Sherman Anti-Trust Act in 1902 and it and subsequent suits were carried on by the Association at its own expense in the courts for a period of fourteen years, during which time point by point was taken up and tried on appeal until the Association secured a final decision in 1915, from the Supreme Court of the United States.⁵⁷ The damages assessed against members of the Union amounted to approximately \$280,000.⁵⁸ A number of other suits grew out of the situation. Among these were *Loewe vs. California State Federation of Labor*,⁵⁹ and *Loewe vs. Savings Bank of Danbury*.⁶⁰ Foreclosure proceedings were brought against the homes of individual members of the Union,⁶¹ but the matter was finally settled by a compromise with the Union for \$165,000, in addition to about \$70,000 already collected from the savings accounts of the defendants.⁶² The cost to the Association for conducting these cases has been estimated at \$30,000.⁶³ The case of the Buck's Stove & Range Co. involved first an application for an injunction restraining the officers and others of the American Federation of Labor from boycotting the products of the Buck's Stove & Range

Co., by placing it on the "Unfair List" of that organization. Two injunctions thus enjoining the leaders of the A. F. of L. were issued, and were violated, so that in the second place, the main leaders, Gompers, Mitchell, and Morrison, were tried on the charge that they had violated the injunctions and were therefore in contempt of court. After several trials and appeals, the case was finally dismissed upon the grounds that the defendants were exempt from punishment under the Statute of Limitations.⁶⁴ While the union leaders thus escaped punishment under the laws relating to boycotts and violation of injunctions, the laws remained unchanged, in fact, were strongly asserted in decisions rendered in the course of the case through the courts. This suit was conducted at the expense of the Association for nearly seven years.⁶⁵

Illustrative Cases.—The Association has participated in a number of other important cases. Among these are: *Connors vs. Connelly*, *Bossert vs. Dhuy*, *Paine Lumber Company case*, *Irving & Casson case*, *Albro J. Newton Company case*, *Savage vs. Potter*, *Auburn Draying Company case*. In the case of *Connors vs. Connelly*, the court decided that closed-shop agreements between a large group of employers and unions were monopolistic in character and therefore illegal, also that an agreement among employers to maintain the open shop was legal and that a penalty provided in that agreement could be enforced against an employer who had violated that contract.⁶⁶ In the case of *Bossert vs. Dhuy*, injunctions were issued enjoining the Carpenters' Union from calling strikes on buildings where open-shop materials were used, on the ground that such action constituted a boycott and was accordingly illegal.⁶⁷ The cases of the *Paine Lumber Co. vs. Neal*,⁶⁸ *Irving vs. Neal*,⁶⁹ *Irving vs. Joint District Council*,⁷⁰ and *Newton vs. Erickson*, were similar to that of *Bossert vs. Dhuy*, in that they involved restraining orders against the boycott-

ing by the unions of open-shop products in the building industry of New York City.⁷¹ The case of *Savage vs. Potter* grew out of the four cases just mentioned and was a suit brought against this Association by the Carpenters' Union to enjoin the organization from furnishing counsel to its members. Had this suit been successful, the usefulness of the Association to its members in the State of New York would have been seriously reduced, but the case was dismissed at the expense of the Union.⁷² The case of the Auburn Draying Company was one in which an injunction was issued to restrain a widespread union boycott which was being carried out to the third degree or more on the Auburn Draying Company; for, not only were materials hauled by this company subjected to a boycott, but even strikes were ordered on buildings in which materials hauled by this company were being used.⁷³ Other cases in which injunctions were sought to restrain the unions from boycotting certain concerns, were the cases of the Duplex Printing Press Co. *vs.* Deering, and the Gill Engraving Co.⁷⁴ In the former case, the U. S. Supreme Court decided on January 3, 1921, that the Clayton Anti-Trust Act does not exempt labor unions from the provisions of the Sherman Anti-Trust Act, but actually provides that individuals may obtain, without the intervention of a U. S. attorney, an injunction against a restraint of interstate trade. Among the other cases in which the Association has been interested, are: *Seubert vs. Reiff*,⁷⁵ *Grant Construction Co. vs. Building Trades Council*,⁷⁶ *My Maryland Lodge vs. Adt.* and *In re John B. Adt*,⁷⁷ *Stearns Lumber Co. vs. Howlett*,⁷⁸ *Hydraulic Press Brick Co. vs. Kasten*,⁷⁹ *O'Brien vs. the People*,⁸⁰ *People vs. Bausher* and *In re Bausher*,⁸¹ and the Arkansas Coal cases (*Bache-Dennan Coal Companies of Arkansas vs. the United Mine Workers of America*, and the *Pennsylvania Mining Company vs. the United Mine Workers of America*) which the Association did not carry all the way through because the

companies did not wish to heed the advice of the Counsel of the Association.⁸² It later took up the cases and opposed, before the Supreme Court of the United States, a reversal of a favorable decision secured in the lower court, but this Court had reached no decision prior to Oct. 1, 1921. The total fines and costs which it secured in these cases against the United Mine Workers of America total nearly one million dollars.⁸³ It was also interested in the Hitchman Coal and Coke Company Case, in which the courts sustained the inviolability of open-shop contracts;⁸⁴ and in the John Douglas Case, which involved the use of anti-union contracts.⁸⁵

The Association has not borne the entire cost of these cases, since "The expenditure of funds in the prosecution of the boycott shall be limited to counsel, court and witness fees and incidental expenses."⁸⁶

Advice to Members.—The Association also gives advice to members on how to preserve their legal remedies in difficulties, and how to prevent litigation:⁸⁷

"The usefulness and activities of the Association in advising the members concerning industrial rights and labor difficulties in all parts of the country have never been so great as in the past year. Requests are repeatedly received from associations for information and addresses. Forms of protective contracts to be entered into between manufacturers in support of the open shop, and individual and collective agreements between employers and employees have been prepared, and the demands for these forms have been considerable. A brief examination of our records of the past four months relative to legal advice shows that it has involved the following cities: Worcester, Bridgeport, Boston, Indianapolis, Chicago, Hamilton, O., Cincinnati, Wilmington, Philadelphia, Fort Smith, Ark., Kansas City, St. Louis, Minneapolis, Seattle, San Francisco, Syracuse, Rochester, Elmira, Washington, New Haven, Hartford, Newark, Portland, Ore., Dayton, Auburn, Detroit, Athol, Albany, Lockport, Cleveland, Schenectady, New Britain, Grand Rapids, Pittsburgh and Wilkes-Barre. In a number of these

cities advice was given to more than one manufacturer affecting more than one problem, and in others the questions involved the entire community. In some instances negotiations have been conducted with the union resulting in open shop agreements. I think it is fair to say that this four months of the work is indicative of the demands made upon the legal department for the other eight months. Some of the difficulties will probably develop into interesting suits, but probably not over one out of thirty of the difficulties presented to us normally develop into litigation. At this writing there is an immediate prospect of litigation in Minneapolis, St. Louis and Newark, N. J.”⁸⁸

Study of Labor Contracts.—The Association has made an extensive study of all kinds of contractual relations of employers with employees, and has drawn up model contracts. A model contract to be signed by employers as an instrument for maintaining the open shop has been drawn up, and sent out to members of the Association and others.⁸⁹ Likewise a model contract for agreements between the employer and his employees, to maintain the open shop and avoid sudden strikes has been formulated. The purpose of these contracts has been thus stated by the Association: ⁹⁰

“Contracts may yet prove the most effective defense against the dangers of the closed shop propaganda and sudden disruption of the working force, for they create new property rights entitled to legal protection against the interference of outsiders. Such contracts may be of two classes:

“(1) Contracts with employees to maintain the open shop and avoid sudden strikes; and

“(2) Contracts with competing employers to maintain the open shop.

“In either case, any attempt by the union to order a strike in violation of such a contract, or any attempt by persuasion or threat to compel any employer or employees to violate such a contract, constitutes an unlawful act which may be enjoined in appropriate cases. This is the law of our federal courts and of most of our States. If, under the circumstances, the union is successful in causing a breach of agreement, it can be

mulcted in damages; that is because the union is an intruder attacking property rights created by contract. The full protection from such agreements is so far-reaching that it is not quickly comprehended.

"Every step taken by a union or any outsider to accomplish the unlawful purpose of inducing a breach of contract is unlawful, although under other circumstances the same step might be innocent and proper. Threats of strikes, persuasion of employees, peaceful picketing, and payment of strike benefits, though frequently held lawful, become illegal if they are steps to induce the employee to quit work or an employer to operate a closed shop in violation of agreement. By the execution of these suggested agreements, therefore, the employer broadens his rights and remedies, narrows the rights of the outside agitator, and lays the foundation for injunction and damages against labor troubles which the law might otherwise sanction."⁹⁰

The League has argued forcibly that "contracts with employees should be scrupulously fair," and should be for the "open shop," but not anti-union and "so offensive in character as to call for unqualified condemnation."⁹¹

Educating the Public.—The third object of the Association, as stated, is "to educate the public to a better understanding of the questions relating to the employment of labor," and accordingly it conducts an extensive propaganda for both the employer and the employee, particularly on the laws relating to labor.⁹² It issues Bulletins to its members so that they may be informed on the progress of cases it is prosecuting in the courts, and on its success in opposing legislation which it regards as inimical to the interests of its members.⁹³ Special Bulletins are issued, as occasion demands, and members are instructed as to the action they should take in order to aid in the defeat of such legislation. Bulletins dealing with the final decisions of cases, set forth briefly the important points decided.⁹⁴ The employer is thus instructed as to his rights under the

law, and how best he may protect them. It is not unusual for publications of other associations to reprint parts or even all of certain Bulletins, so that employers in general may be instructed.⁹⁵

Law and Labor.—In January, 1919, the League began the publication of a monthly magazine, *Law and Labor*, which reviews the decisions of courts, and sets forth the enactments of legislative bodies in regard to labor matters. "It carries articles on the salient points of the law of the labor problem, deals with novel measures of labor legislation, events of interest in the labor field, shop representation plans, and other plans in the field of industrial relations,"⁹⁶ such as profit-sharing, employee stock-subscription plans, and other means designed to reduce or prevent industrial unrest.⁹⁷ It is a publication that should be read by every student of industrial relations, whether he has a legal mind or not. It furnishes much information that may not readily be obtained from any other source.

Other Publications.—The League has conducted and published the results of a questionnaire on a number of vital questions in the labor field.⁹⁸ It has also published briefs, arguments and decisions in full of the more important cases it has prosecuted, and these are of great value to the counsel for a concern and to the employer and others with a legal mind.⁹⁹ A series of pamphlets dealing with the evil practices of unionism have been issued by the Association, for example, "I Did What I Did for Principle," "Danbury Hatters' Case," "The Blemish on Trades Unionism: Lawlessness." A more extended list of the Association's publications include the following; "Million Against One, A Conspiracy to Crush the Open Shop," "The Boycott and Public Opinion," "An Analysis of the Labor Union, Injunction and Contempt Sections of the Clayton Anti-Trust Bill," "Coercion of Congress as Attempted by Organized Labor," "The Closed Shop," "Strikes and Public

Utilities; A Remedy," " Strikes on Public Utilities; A Remedy " [different], " Limitations on the Right to Strike," " Labor, Law and Order," " Domestic Free Trade and Organized Labor," " Some Recommendations Submitted to the United States Commission on Industrial Relations," " Some Phases of the Federal Industrial Commission Report," " Davenport Testimonial," " Labor Unions and the Law," " Factory Solidarity or Class Solidarity," " The Road to Industrial Peace," " Anti-Injunction Legislation," " Supreme Court of the State of New York Defines Duty of Transportation Employees," " Transportation and Public Rights," " Two Proposed Statutes Advocated by the League for Industrial Rights and Supporting Memorandum," and " Social Control of Industrial Warfare." It has circulated others, such as " The Peril of the Port and the People's Defense." ¹⁰⁰ It has issued a number of semi-legal publications, such as arguments, decisions or parts of decisions: " Decision of Justice Gould of the Supreme Court of the District of Columbia," " The Application of the Sherman Anti-Trust Law to Labor Boycotts," " United States Circuit Court District of Connecticut, Loewe Case or Danbury Hatters' Case," " Supreme Court of Connecticut Unanimously Decides that a Monopoly of Labor by Closed Shop Agreement is Unlawful," " An Analysis of the Unanimous Decision of the Supreme Court of Massachusetts Declaring the Anti-Injunction Law of that State Unconstitutional," " Decision of the Supreme Court of the United States in the Case of Paine Lumber Company et al vs. Elbridge H. Neal, Individually and as Secretary and Treasurer of the Joint District Council of New York and vicinity of the Brotherhood of Carpenters, etc., et al," " Memorandum Relative to the Injunction Features of H. R. 15,657," " The Federal Courts and the Writ of Injunction in Labor Controversies," and " Anti-Injunction Legislation," ¹⁰⁰ Mr. Daniel Dav-

enport, General Counsel of the Association, has made powerful arguments before various congressional committees, and his statements there have been printed separately and sent out so that they might reach a wider audience.¹⁰¹ He has also addressed various other organizations, and made strong appeals to them to stand for the open shop and against the boycott.¹⁰² An instance of the character of these appeals is found in his address before the Washington County Agricultural Society at Fort Edward, N. Y., where he urged employers, union men, nonunion men, farmers and citizens to stand for the open shop.¹⁰³ Mr. Walter Gordon Merritt, Associate Counsel of the Association, is a writer of great force and has contributed valuable articles to some of America's most noted magazines. These and other articles by him have been published in pamphlet form and distributed by the Association.¹⁰⁴ His address, "*Labor Legislation*" published in pamphlet form, is a distinct contribution to the subject. This address was delivered before the National Metal Trades Association in 1914, and deals with both the law and tendencies of labor legislation.¹⁰⁵ Mr. Merritt is also a debater of great ability. Recently, he participated in a debate on the "open-shop" question with Andrew Fureseth. The League has aided in the distribution of the published debate.

Educating the Workman.—The League has recently taken up more in detail the problem of educating the workman. It has argued that the employer, by properly educating his workmen now has "the opportunity to hold labor's good-will."¹⁰⁶ It has analyzed the gains of the American Federation of Labor during the war, and has shown that the strength of that organization is by no means as great as the number of its members might indicate because many of its members are not union men at heart. It calls attention to the fact that the employer may find himself in the same situation in regard to the open-shop

movement, in that the independent workman cannot resist the continued agitation of the union leaders "unless he is able to understand and interpret the problems of present day industry."¹⁰⁶ It outlines the principles of economics that should be taught to the workmen, especially the elements that enter into the cost of production, such as interest, taxes, other overhead expenses, mistakes in factory operation, advertising and selling, as well as the cost of raw materials and labor. It suggests several methods by which the workmen may be educated and intimates that the circulation of literature is probably the least effective.¹⁰⁶

The League summarizes its educational activities as follows:

"Our cases and briefs have been the foundation of much education on this subject, and articles and speeches prepared by counsel and published and distributed by the Association will be found in the libraries of educational institutions."¹⁰⁷

"Through the preparation and circulation of literature, and through public addresses delivered before many chambers of commerce and Employers' Associations, the League has done its part to forward the cause of sound education in industrial rights."¹⁰⁸

Instructing Its Membership.—In accordance with its fourth object, the League endeavors to keep its membership advised in regard to ideas and experiments in the field of industrial relations, especially the ideas and experiments which tend to promote better relations between employer and workmen on the open-shop basis.¹⁰⁹ In order to advise members in regard to the installation of works councils, which the League favors, it has made an extended study of shop-representation plans, many of which it has already presented in *Law and Labor*.¹¹⁰ On request, it draws up proposed plans for shop representation adapted to local conditions.¹¹¹

The Association makes abstracts of and indexes all court decisions relating to labor so that members can be advised at once in regard to their legal rights in any state or federal court.¹¹² It has retained regular counsel, whom members may consult, in Chicago, St. Louis, Memphis, Seattle, Hartford, besides those in New York and Washington, D. C.¹¹³

Mr. Davenport, General Counsel of the Association, devotes himself mainly to the conduct of the cases financed by the Association, and to appearing before legislative committees in opposition to legislation in behalf of the unions.¹¹⁴ He "collected the activities of the American Federation of Labor during a period of five years in declaring boycotts and prosecuting those boycotts, enforcing them, and the instrumentalities they [the unions] employ. . . . It took a great deal of labor to collect this."¹¹⁵ He had the Anthracite Coal Strike Commission declare against the boycott in its report. He had thus described his activities in this matter:

"I went to the general counsel of the Delaware & Hudson Co., an old college friend of mine at Yale, and suggested to him that the coal companies make a strong point in the hearings before the commission of the matter of the boycott, in order to obtain a declaration against it, and I produced to him the authorities which I had collected on the subject. The genesis of what that tribunal afterwards decided against the boycott lay in the things that were that day done."¹¹⁶

Mr. Merritt holds second place in the leadership of the Association, and is in charge of its legal department. He advises constantly with the members of the organization concerning such labor troubles as may confront them, and has active charge, subject to the supervision of the General Counsel, Mr. Davenport, of the important litigation of the Association.¹¹⁷ "Mr. Merritt has made a very careful collection of all decisions pertaining to labor, has collected

the briefs in those cases and all that." ¹¹⁸ Most of the conduct and activities of the Association rests with these men.

The League has stated the results of its experience and its acquisition of equipment as follows:

"Fifteen years of experience such as no other institution has been able to offer, have made our counsel specialists on the legal phases of the labor question and have afforded them an opportunity for the accumulation of cases, briefs and records which cannot now be duplicated.

"Our new library contains every reported labor case of every State and Federal Court in this country, digested in a card catalogue index both as to subject and locality. Each year there have been added important briefs, pleadings, contracts and pamphlets relative to this subject. In view of the many State and Federal courts throughout the country, the conflicts between State and Federal jurisdiction, and the lack of uniformity in the law, this library, with its well ordered reference to all phases of the labor law in all the different states, is invaluable." ¹¹⁹

Interrelations.—The relations of the League to other associations are largely through co-operation and membership. It co-operates extensively with other organizations for mutual ends, and many of its members are also members and officers of other associations. ¹²⁰ For example, in opposing legislation, its officers work harmoniously with those of other belligerent associations. It has been called upon to co-operate with other associations in matters relating to industrial conflicts and the litigation growing out of them. ¹²¹ Among its members were Mr. C. W. Post, a noted leader in other associations, and Mr. Henry Towne of the Yale & Towne Manufacturing Co., which is a member of the National Founders' Association, the National Metal Trades Association and the National Association of Manufacturers. ¹²² Moreover, the N. M. T. A. co-operated with the League both morally and financially in the case *in*

re John B. Adt.¹²³ Probably it has in its individual membership more representative association leaders than any other association, not excepting the National Association of Manufacturers. With it is affiliated other employers' associations, so that its association membership coupled with its other interrelations, brings it into co-operation with most employers who stand for the open shop.¹²⁴ An illustration of these relations is to be found in the composition of the "Citizens' Transportation Committee" of New York, which has among its committeemen the officers and members of other associations in part as follows: Walter Gordon Merritt, *Counsel*, also counsel for the League; Walter Drew, Counsel for the National Erectors' Association; Frank B. McCord, member of the National Erectors' Association, and formerly member of the Board of Governors of the Building Trades Employers' Association of New York as the representative of the Iron League Erectors' Association; William Fellowes Morgan, *Chairman*, also President of the Merchants' Association of New York; Lee Kohns, President New York Board of Trade and Transportation; J. Sherlock, President Brooklyn Chamber of Commerce; Henry R. Towne, member of the Merchants' Association of New York, member of the National Founders' Association; and others.¹²⁵

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* No key to the abbreviations for legal citations has been deemed necessary.

CHAPTER XIII

THE NATIONAL INDUSTRIAL CONFERENCE BOARD

THE National Industrial Conference Board is a new type of employers' association. It is an informal *federation* of other associations, and functions mainly through extended investigations and reports on the most vital of current industrial problems. Its other functions have grown out of its investigations and reports.

Membership, Structure and Government.—The Conference Board is now composed of twenty-six national associations and four state associations.* In the membership of these affiliated associations are found "over fifty thousand representative concerns employing over seven millions of workers."¹ Each affiliated national association may appoint two delegates and each state association, one delegate. These delegates form the general governing body of the Board.¹

The Board is a federation pure and simple. While the policies of the Board are determined by the delegates of the affiliated associations, the member associations are not bound by the acts of the Board except when their delegates commit them to particular policies in special cases. These associations, therefore, may or may not adopt the suggestions of the Board in each and every instance.²

The Board neither has nor needs a formal constitution. Its governmental machinery is very simple. The delegates of the affiliated associations elect an Executive Committee of seven members, to which many matters are referred for action. Of the seven members of the Executive Committee,

* See p. 493 for list.

four are the regular administrative officers of the Board, namely, the Chairman, the Vice-Chairman, the Treasurer, and the Managing Director. The Board performs its functions through its delegates, its Executive Committee, its administrative officers, other committees, such as a Committee on Education, and a research staff. It is also assisted by financial subscribers and councilors, and its committees frequently contain others than delegates.³

Funds.—The Board depends entirely on voluntary subscriptions by co-operating associations and individuals for the funds for carrying on its work. Its funds are secured "largely from individual employers and public-spirited citizens. At the present time there are approximately five hundred employers contributing to the Board's work."⁴ No statement is available which gives the total of these contributions, but occasional reference to contributions by co-operating associations and individual corporations indicates that the total sum is considerable. Up to April, 1917, it was stated that about \$100,000 annually had already been pledged by *individual* industrial corporations; and later in that year the National Metal Trades Association contributed \$5,000 for one year⁵ and with perhaps one exception has annually since then contributed \$5,000.⁶ The United Typothetæ of America, however, made no contributions prior to 1919,⁷ but the National Association of Manufacturers contributed a total of \$4,906.36 in the two-year period 1917-1919, expended \$7,162.42 on this account for the year 1919-1920, and voted an appropriation of \$5,000 for membership for the following year.⁸

Character, Purposes and Scope.—The following pertinent statements have been given in regard to the character, purposes and the scope of the work of the Board:

"The National Industrial Conference Board was founded in May, 1916, as a federation of American industries to promote industrial stability and prosperity through the study of

economic problems and suggestions for their solution, and to stimulate constructive action on questions of vital importance to the industrial welfare of the country. . . .

"The Conference Board is not an organization working specifically in the interests of employers as, for example, the American Federation of Labor functions for the special benefit of employees. The Board virtually stands between employers and employees as a Research Organization engaged solely in making scientific investigations in industrial economics and as the disseminator of the facts so ascertained. Its work, therefore, benefits both employees and employers through the unbiased presentation of industrial facts which point the way for such remedial action as may appear necessary for the general welfare of industry. . . .

"When first organized the National Industrial Conference Board established a few simple rules of procedure which have been gradually expanded with the growth of the organization. Its character, purposes and the scope of its work are clearly stated in the following resolution adopted by its members:

"*Whereas*, accurate, scientific investigation, careful analysis of pertinent facts, and exercise of trained judgment on the basis of the facts established are essential to the solution of the many difficult problems which confront industry; and

"*Whereas*, The National Industrial Conference Board was organized in May, 1916, constituted of persons designated by and from National and State Industrial Associations, to provide a Bureau of Scientific Research, a Clearing House of Information, a Forum for Discussion and the means whereby Co-operative Action may be taken on matters that vitally affect the industrial development of the country and all engaged in industry:

"*Now, Therefore*, in order that the Character, Purposes and Scope of Activity of the National Industrial Conference Board may be clearly defined it was,

"*Resolved*, That the fundamental purpose of the National Industrial Conference Board is to promote the public welfare by bringing together the collective experience of those engaged in industry, by studying industrial and economic conditions, and by disseminating well-considered views thereon, as its contribution to the solution of the problems of industry;

“ “ “ That the National Industrial Conference Board pledges its energy and resources to this work, to be carried on in the open-minded and straightforward spirit which should characterize all efforts of a scientific nature, fully utilizing the views and experiences of those familiar with industrial problems and always seeking to learn and promulgate the truth;

“ “ “ That the Board will refrain from all political activity and will in all respects comply with the requirements of the laws relating thereto; and

“ “ “ That, specifically, the objects of the Board are:

“ “ “ “ *First* — To make impartial investigations in the field of industrial economics and, to this end, to co-operate with individuals, institutions, associations and agencies of Government;

“ “ “ “ *Second* — To aid in securing on the basis of established economic facts underlying and affecting industrial conditions, joint deliberation of manufacturers and associations of manufacturers in the United States;

“ “ “ “ *Third* — To secure, analyze and disseminate information concerning industrial problems and experience in the United States and other countries;

“ “ “ “ *Fourth* — To promote good understanding and friendly relations between employees and employers for the benefit of both, and between those engaged in industry and the public for the general good of the community;

“ “ “ “ *Fifth* — To make the results of its research and collective experience available to governmental agencies when industrial and economic legislation and policies are being formulated, in an endeavor to secure sympathetic consideration of its views and opinions, and

“ “ “ “ *Sixth* — In general, to encourage and promote the sound development of American industry by all proper and legitimate means.’ ” ” ” * . . .

“ The National Industrial Conference Board is ‘ American industry’s instrument of research in the field of industrial economics. Its aim is to promote the welfare of industry in gen-

* Earlier statements of purposes show that the Board has changed its objects in several particulars. In the beginning, it was stated that, “ The efforts of the Board will lie along four major lines:

“ 1. To stimulate the employer to maintain good conditions of work,

eral rather than to render personal service to individual employers or corporations.'"⁹

Reasons for Formation.—The conditions and causes that led to the formation of the Board in May, 1916, may be summed up as a lack of a co-operative organization of

to provide fair treatment for his workers, and to take a personal interest in them.

"2. To encourage and assist the employee to increase his efficiency, to utilize his opportunities for self improvement, and to develop a fair and intelligent attitude toward his employer and his fellow workmen.

"3. To educate the citizen to appreciate the value of stable and successful industry and its relation to the well-being of the individual and to the prosperity of the nation.

"4. To enlist the co-operation of the Government in developing the industrial advancement of the nation by means of equitable and sound legislation and its effective enforcement."¹⁰

Later on, the purposes were outlined as follows:

"The National Industrial Conference Board is an organization in which American industries are associated for the common purpose of promoting the stability and prosperity of Industrial America. The objects of the Board are:

"First: To ascertain pertinent economic facts underlying and affecting industrial conditions, and to draw from them justified conclusions;

"Second: To secure on this basis joint deliberation and joint action by the manufacturers of the country through their chosen delegates, for the sound development of American industry;

"Third: To promote understanding and satisfactory relations between employers and employees as an essential basis for the conduct of industry and the welfare of the nation;

"Fourth: To give the public an accurate conception of the character, scope, and importance of industry, its needs and its intimate relation to individual and national well-being, to the end that this knowledge may be reflected in an intelligent public opinion and in wise legislation;

"Fifth: To command, by the justice of its contentions, the force of its collective experience, and the strength of its representative character, the attention of the Government when formulating industrial legislation and policies.

"In pursuance of this program the National Industrial Conference Board has so organized its activities that it is virtually an agency for the collection and dissemination of pertinent facts and opinions, a forum for constructive discussion, and an instrument for co-operative action on matters vitally affecting the industrial development of the nation."¹¹

associations and a keen realization of the need for united action on a national scale. More in detail, the reasons for the formation of the Board have, in part, thus been given:

"The United States has grown within less than a century from a primarily agricultural community into the first manufacturing nation of the world. . . . This marvelous transformation has been accompanied by vast changes in the social, economic, and political life of the nation. These changes have in turn created great industrial problems which have often been met by temporary adjustment rather than by permanent solution. The industrial situation created by wartime necessities [has] added to the complications already existing. Today, the intricate problems of the pending industrial readjustment press for solution and accentuate the imperative need for clear thinking and sound business and governmental policies."¹²

"Every person who has the welfare of the country at heart is anxious to see dissipated the antagonism which manifests itself from time to time between employers and wage earners, between the Government and the manufacturer who believes that he is being discriminated against, between the public and the organizations whose actions sometimes excite suspicion of the underlying motives. It would be important for this country if mutual understanding and confidence could supplant misunderstanding. This can only be accomplished by a study of the whole industrial problem. The manufacturing industry bears a very important relation to the progress and prosperity of the country. . . . The future holds many uncertainties, . . . there are many problems which need study and adjustment. It is perfectly plain that, if a body of men qualified in their own business constitute themselves a committee of education and give to the problem of the manufacturing industry close and thorough study, much good will result. The dissipation of false impressions means the welding of co-operation. . . . Recent years have been prolific of legislation affecting industry in the United States, and there have been complaints by manufacturers that some of this legislation was not adapted to the situation and was adverse to the best public interest. The fact

that the public did not approve of these protests may have been due to two causes: one that the protests were not well founded; and the other, that the public was suspicious of the manufacturer and his good intentions. This could not exist if the manufacturing industry was in a position to present the issues to the jury of the public, which is always unbiased when it is certain of facts." ¹³

"If American industry is to have its proper share in the solution of these problems it must be organized for the task. It must have a collective opinion and an appropriate channel through which to give authoritative expression to its collective judgment on questions vitally affecting the welfare of industry and of the nation. While many industrial associations had been, and are now, performing indispensable service to their members in the study of industrial problems, they had no effective machinery to co-ordinate their efforts in dealing with many problems common to all." ¹⁴

"A sound solution of the problems constantly confronting American industry is essential to the development of enterprise, the well-being of the workers and the progress of the Nation. It calls for thorough study, broad consideration, and intelligent action." ¹⁵ "It is the purpose of the new Conference Board to consider all the problems which confront the manufacturing industry by first establishing a thorough knowledge of all the essential elements involved." ¹⁶

"The National Industrial Conference Board is the response to the demand for co-operation among manufacturers. It was organized to unify and centralize the efforts of industrial associations in studying and solving the economic problems of industry and to take constructive action in respect to issues vital to the welfare of all." ¹⁷ "It is a connecting link between various national associations for comprehensive study of common problems, for broad-gauged discussion of such problems with due regard to the interests of the various industries, and, when so decided, for united action in securing the elements essential for industrial prosperity." ¹⁸ "This Conference Board seeks not only co-operation between its members, but between its members and their employees, and between the manufacturer and the Government." ¹⁹

"The objects of the Board, when carried into effect, will benefit the nation by advancing its industrial prosperity and prestige, and will also benefit individual industries by studying and pointing out the underlying principles of relationship of employer to employee and of both to the Government, in order to find equitable solutions for many pressing, fundamental, industrial problems."²⁰ "The scope of the Board's work is as broad as the field of the influences that tend to promote or retard industrial progress."²¹

"In pursuance of this program, under the Board's direction, a staff of experts in the field of industry and economics has made and is making searching inquiry into fundamental industrial and economic truths. Their research activities cover a wide field of study as is shown by the many Research and Special Reports which have been issued. These reports, in concise form, have been widely distributed and quite universally accepted as authoritative by Government officials, Congress, state legislatures, economists and students of industrial affairs, employers and representatives of employees. They are frequently quoted from and commented upon in newspapers, technical journals and other periodicals, even in foreign countries. In many instances they have formed the basis for the fair settlement of controversies and have stimulated the development of amicable industrial relations."²²

Research Work.—Extended investigations on subjects in which there is great need for more than superficial information, subjects which involve the vital issues of the industrial conflict, have been undertaken by the Board's staff of research experts. This staff is under the immediate direction of the Managing-Director, Mr. M. W. Alexander,²³ who made the foundation study in labor turnover, a scientific investigation of great merit, which others have since elaborated upon. Such noted economists as Dr. J. Laurence Laughlin, formerly Professor of Political Economy of the University of Chicago, have served on the research staff of the Board.²⁴ "*The Board enters on such research with fixed principles but without preconceived*

*opinions except that it believes in a high conception of equitable human relationships and in the preservation of individual opportunity and freedom of action as great as compatible with the public welfare."*²⁵ The Research Reports of the Board are free from inflammatory statements, and from denunciatory language. They have all the earmarks of scientific work.*

* Not all the publications of the Board are free from denunciatory language, nor is the Board itself able to keep its members from giving unscientific characterizations to its work. The following quotations taken from the official publications of one of the affiliated associations will indicate how the work of the Board is regarded by (1) one of the delegates, now on the Executive Committee of the Board, and presumably its spokesman in setting forth the purpose of the Board, (2) an officer of another national association, also a delegate:

Mr. William H. Barr, President of the National Founders' Association, in addressing the National Metal Trades Association in convention assembled, among other thing, said (*Italics mine*):

"With the aid of its Bureau of Industrial-Economic Research, the Board will address its efforts to the important work of furnishing through the public press, the public forum, and other legitimate means, *the employers' views and convictions on industrial questions*. For this purpose a competent staff of experts is being organized under the leadership of a managing director to co-operate with the constituent associations and other similar bodies on all matters of common interest, and to assist individual employers in the practical application of constructive policies."²⁶

The President of the National Metal Trades Association—Mr. J. W. O'Leary—said in 1920, "The National Industrial Conference Board is of further great value in that it is bringing about uniformity of thought and action among employers, woefully lacking in the past. We are thinking together; after all, thinking together is what the National Metal Trades Association is accomplishing in the metal trades industry."²⁷

Whether Mr. Barr, in addressing other associations on the work of the Board in order to secure their co-operation with the Board, thus misrepresented the original purposes of the Board, or whether the purposes have undergone a great change, we have no facts at hand from which to judge. The Board now strongly objects to a statement that the Board is endeavoring to set forth "*the employers' views and convictions on industrial questions*."²⁸ Mr. O'Leary, on the other hand, in his statement about "uniformity of thought and action among employers," leaves the impression that the employers are becoming more clearly class-conscious as a result of the efforts of the Board.

Reports.—As a result of these investigations, the Board issues Research Reports. These Reports, while covering the subject adequately, are concise in form. They are distributed widely among manufacturers, economists, colleges, libraries, the daily and periodical press, and other institutions and individuals interested in industrial problems.²⁹ The following Reports have been issued or are being prepared: “Workmen’s Compensation Acts in the United States—the Legal Phase”; “Sickness Insurance or Sickness Prevention”; “Extent and Causes of Absence Among Industrial Workers”; “The Eight-Hour Day Defined”; “Practical Experience with the Work Week of 48 Hours or Less”; “Rest Periods for Industrial Workers”; “Hours of Work as Related to Output and Health of Workers”;—(1) “Cotton Manufacturing”; (2) “Boot and Shoe Industry”; (3) “Wool Manufacturing”; (4) “Silk Manufacturing”; (5) “Metal Manufacturing Industries”; “The Hours-of-Work Program in Five Major Industries”; “Analysis of British Wartime Reports on Hours of Work as Related to Output and Fatigue”; “Wartime Employment of Women in the Metal Trades”; “Strikes in American Industry in Wartime”; “Wartime Changes in the Cost of Living:—(1) “July, 1914 to June, 1918”; (2) “July, 1914 to November, 1918”; (3) “July, 1914, to March, 1919”; “Changes in the Cost of Living:—(1) “July, 1914 to July, 1919”; (2) “July, 1914 to November, 1919”; (3) “July, 1914, to March, 1920”; (4) “July, 1914, to July, 1920”; (5) “July, 1914, to November, 1920”; (6) “July, 1914, to March, 1921”; “Wages in Great Britain, France, and Germany”; “Wage Changes in Industry, September, 1914. to December, 1920”; “Wartime Changes in Wages, September, 1914, to March, 1919”; “Changes in Wages During and Since the War”; “The Cost of Living Among Wage-Earners”: (1) “Fall River, Mass., October, 1919”;

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Other Investigations and Publications.—The Board has also been credited with a number of other investigations, among which are the following: A study was made which indicates "that distribution of excess over alleged reasonable salaries in American industry would have no appreciable effect on wages,"—that only "a trifling increase in wages would be obtained by reducing all higher salaries to \$5,000 annually." ³¹ It is said that the Board furnished data to the coal operators to prove to the conference on miners' wages that the figures presented by the union officials on the costs of living were exaggerated and the lists were padded. ³² It is stated that the Board made a study, during the 1920 Cincinnati strike of machinists, in which a comparison of the costs of living with the wages the machinists received before the strike, was made. ³³ The Board has demonstrated that wholesale prices of commodities do not form an entirely accurate basis for estimating increases in the cost of living, because the average family budget is made up of a number of items not included in the list of commodities, and retail prices are not always proportionate to wholesale prices. ³⁴ The rigid "cost-of-living" theory as a basis for wage increases, has been attacked by the Board as economically unsound,—“The wage

should reflect in a fair measure the quantity and quality of the services rendered.”³⁵ The Board has been credited with an investigation of wage increases that shows that the wage increases in certain industries from September, 1914, to March, 1920, have averaged 150 per cent, which is said to be considerably greater than the cost of living during that period.³⁶

The Board appointed a commission of manufacturers in the Spring of 1919 to visit Europe to study and report on current industrial conditions in Great Britain, France, Belgium and Italy. These manufacturers were accompanied by trained investigators.³⁷ They were absent from the United States from March 1, 1919, to May 18, 1919. The results of the investigation have been embodied in two reports. The first, an “Interim Report of the European Commission,” indicates that the study was confined almost entirely to employment relations.³⁸ The second report — “Problems of Labor and Industry in Great Britain, France and Italy” — presents a more detailed discussion of the problems outlined in the first report.³⁹

The Board has prepared and circulated numerous Special Reports and Monographs on a variety of subjects, among which are the following: “The Vital Issues in the Industrial Conference at Washington, D. C., October 6 to 23, 1919”; “Statement of Principles Which Should Govern the Employment Relation in Industry”; “Is Compulsory Health Insurance Desirable?” “War Revenue Act of 1918 — a Brief Analysis”; “A Case of Federal Propaganda in Our Public Schools”; “The Cost of Living Among Wage-Earners: (1) North Hudson County, New Jersey, January, 1920; (2) Greenville and Pelzer, South Carolina, and Charlotte, North Carolina, January and February, 1920; (3) Cincinnati, Ohio, May, 1920; (4) Worcester, Massachusetts, June, 1920”; “Proceedings of the National Industrial Tax Conference at Chicago, Illinois,

April 16, 1920"; "Should Trade Unions and Employers' Associations Be Made Legally Responsible?" "The Closed Union Shop versus the Open Shop: Their Social and Economic Value Compared"; "Should the State Interfere in the Determination of Wage Rates?" "Unwarranted Conclusions Regarding the Eight-Hour and Ten-Hour Workday"; and "Problems of Labor and Industry in Germany." The Board has also distributed a booklet on the "Elements of the Labor Problem" by M. W. Alexander.³⁹

The Conference Board "has from time to time issued patriotic leaflets for wide circulation among employees in commemoration of special events, thereby assisting in the work of Americanization."⁴⁰ For instance, there has been issued "Our Country" and "Our Independence Day" for the Fourth of July; "The Birthday of Our Constitution" and "Constitution Day" for September 17; and "A Lincoln Day Message" for February 12.⁴⁰

Methods Used in Conducting Research Work.—In the preparation of the reports and other publications of the Board, the methods employed may well be characterized as non-individualistic, even to a far greater extent than those of the departments of the Federal Government, since "no individual writes any report" or receives any credit for helping prepare it. A Memorandum of the Board outlines the procedure of the Research Staff as follows:

"At the monthly meetings of the delegates, the work of the Board's Research Staff is carefully reviewed and new lines of investigation are planned. Frequently prominent industrialists and economists, who are not members of the Board or its staff, participate in the discussions, so that *the Board's reports reflect the joint conclusions of competent business men and research students based on ascertained facts.* Broad policies of action with regard to matters having an important relation to the welfare of industry are also discussed at these meetings. The

Board's researches and deliberations are conducted without any reference to partisan political opinions."

Mr. M. W. Alexander, Managing-Director of the Board, in an address before the thirty-third annual convention of the United Typothetæ of America, has said, among other things, that,

"Industrial research . . . became the foundation stone on which the National Industrial Conference Board was built. . . . Now industrial research is a slow process, and we have very likely sorely tried the patience of some of the member Associations of our Board and of their representatives, in our monthly meetings — and one of these will last all day tomorrow at the Hotel Astor — but gradually we showed that we had pitched our work on the right foundation. At first, met by the skepticism, the suspicion and even the hostility of professional economists, of men and women interested in the advancement of social progress, we have gradually succeeded in dispelling that suspicion and in receiving recognition that we are earnestly endeavoring not to plead a special cause,* but to find the real reason for existing conditions. . . .

"Now there is one thing in regard to these reports which you ought to know. No report is signed by any individual. No individual writes any report. On our staff we have capable economists and engineers, with some ex-manufacturers. Every report passes through two, three, or more hands. A number of people have a whack at it. When it is finished to the satisfaction of myself and my staff, it is then sent in galley to every member of the National Industrial Conference Board, . . . and they are given adequate time to read them [the galleys] over and return them with any suggestions they want to make. These suggestions, if we can accept them, are embodied. If they are major suggestions that we find we cannot accept, then the whole report is taken back into one of the monthly meetings of the Board and there discussed. So

* Cf. Carlton: *History and Problems of Organized Labor* (1920 edition), p. 97.

that the final issue represents the joint work of a number of people on the staff, supplemented by the practical, intelligent judgment of forty or fifty manufacturers in various branches of industry, brought to bear upon it." ⁴¹

The Industrial News Survey of the Board is published weekly and contains condensed accounts of events of interest to business men and students of industrial affairs. It reports on such topics as the industrial situation, governmental activities concerning industry, legislative proposals under consideration, discussions of workmen's insurance, labor disputes, the labor supply, statements concerning the cost of living, items on trade, commerce and transportation. Supplements are occasionally issued in which more extended discussions are given on some special subject or subjects. ⁴²

The Board has conducted a contest for the purpose of encouraging the writing of monographs on certain industrial subjects. The prize for the best written monograph was \$1000. ⁴³

In addition to issuing reports and other publications, the N. I. C. B. endeavors to compile data and keep manufacturers informed in regard to proposed legislation affecting their interests and in respect to other specific problems growing out of the relation of employer and employee. ⁴⁴ For this purpose the Board issues service letters. ⁴⁵

Governmental and Legislative Activities.—The Board has engaged in activities connected with the government and legislation. In 1917, this organization, at the invitation of the Council of National Defense, appointed an advisory committee to assist the Council in carrying out the Government's war program. This Board, also at the request of the Council, submitted recommendations concerning the employment relation for the period of the war. As a result of these recommendations, a conference committee, composed of five manufacturers, five labor union officials,

and two representatives of the public, was formed for suggesting principles, policies and machinery for dealing with industrial disputes during the war. This conference committee was later converted into the National War Labor Board.⁴⁶ The employer members of the National War Labor Board were accordingly chosen by the National Industrial Conference Board.⁴⁷ The N. I. C. B. was also represented on the War Labor Policies Board through a cooperative committee.⁴⁸

At the time, the N. I. C. B. felt that its part in the formation of the National War Labor Board was "the most important work which the Board has done."⁴⁹ However, the union officials secured the insertion in the platform of the National War Labor Board of a provision granting during the war "the right of the workers to organize and bargain collectively," which was interpreted by the union representatives on the War Labor Board as the right of the unions to organize the workers, and this interpretation was accepted by the two members of the Board representing the public. This was, of course, inconsistent with the oft-repeated declaration that "neither employers nor employees shall endeavor to take advantage of the country's necessities to change existing standards."⁵⁰ The unions held the strategic position then, but the day of reckoning came when the war closed, and the War Labor Board ceased to function.

It was at the First Industrial Conference at Washington in 1919, that the Board revealed clearly its opposition to closed-shop unionism. The Board appointed five of the seventeen members of the employers' group and its Managing Director, M. W. Alexander, was selected as Secretary of that group. Throughout the Conference, the leadership of the Board in the employers' group was evident. The Board's representatives in the employer group assisted in the preparation of a "Statement of Principles Which

Should Govern the Employment Relation in Industry," which unmistakably favors the "open shop." Its vote and influence on the "collective bargaining" resolution defeated that proposition in the form desired by the labor group, whereupon the labor group walked out and broke up the Conference.⁵¹ *

The N. I. C. B., in the legislative field, has, for instance, opposed the enactment of excess-profits taxes ⁵²—a measure designed to lessen the acquisition of great fortunes during the war, but which was unsatisfactory in many respects.†

* The Board has asserted regarding this Conference that, "The sound and courageous stand taken and maintained in that Conference by representatives of the National Industrial Conference Board has had a far-reaching and wholesome effect upon the public mind. Its delegates successfully opposed a deliberate attempt to secure the unionization of all American industry, aided and abetted by the prestige of such a Conference for which the Government was the sponsor. The Board stands ready to render similar public service whenever occasion arises."⁵³

† "In addition to its research work, with the aid of able committees composed of Board members and other competent representatives of business and science, the Board has been and is studying many collateral subjects of importance as for example, an equitable reform in Federal taxation. In behalf of the industries of the country, it took the lead in pointing out the need for remedial Federal tax legislation. The Board called a National Industrial Tax Conference at Chicago, April, 1920, at which its standing Tax Committee was enlarged by additional members not connected with the Board in order to have the Committee as truly representative of American industry as feasible. The Committee made an intensive study of taxation, first analyzed the existing Federal tax laws as to their social and economic justification and then considered what changes might be suggested which would raise the revenue required by the Government in such a manner and from such sources as would most fairly distribute the burden. A Tentative Report was then issued by the Committee for discussion at a second National Industrial Tax Conference which was held in New York in October, 1920. As a result of this Conference and further work which was done by the Committee, a final report was recently issued by the Committee containing recommendations for Federal tax revision with the expectation that the suggestions made would result in action by Congress of great benefit to the entire Nation."⁵⁴

The Board has also opposed legislation by the states to establish compulsory health insurance. The Board has maintained that such insurance is undesirable on the grounds that (1) it "will not materially reduce the amount of sickness"; (2) it "will not meet some of the most pressing health needs of the day"; (3) it "will not materially reduce poverty"; (4) "existing agencies can be developed to meet the situation with better results"; (5) "the heavy cost is not justified by the results to be obtained."⁵⁵

The Board also adopted a resolution condemning the U. S. Employment Service as conducted during the war, as incompetent, extravagant and inefficient, and opposing its further continuance after the war, as unnecessary and undesirable, yet commending the Employment Division of the War Department and advocating that ample appropriations be made for this Division.⁵⁶ The Conference Board has resolved, endorsed and urged that preference in employment should be given to the soldiers of the war returning to civilian life.⁵⁷

Documents issued by two different departments of the Federal Government have been condemned for their alleged unscientific and propaganda character.* "Lessons in Community and National Life," issued by the U. S. Bureau of Education, has been characterized by the Board, in part, as a publication which "gives to the growing youth at its most plastic age an impression which is extremely partisan, inexcusably incomplete, and frequently misleading."⁵⁸

*The Board has stated that "Its primary purpose has been and will continue to be, to secure and to present, without fear or equivocation, the facts underlying the industrial situation, but it is also vigilant in its efforts to expose and, by correct presentation, to counteract detrimental influences emanating from important sources. Thus the Board has not hesitated to take issue with the Government when any of its departments make erroneous and misleading statements in its public documents. (See Special Report No. 1, 'A Case of Federal Propaganda in Our Public Schools,' also Special Report No. 14, 'Unwarranted Conclusions Regarding the Eight-Hour and Ten-Hour Work-day.')

"⁶⁰

The Board has severely criticized the validity of the comparisons and the soundness of the conclusions in Bulletin No. 106 of the U. S. Public Health Service, a Bulletin which deals with a comparison of the eight-hour *vs.* the ten-hour workday. The criticism points out that "*only one* 10-hour plant was studied and compared with *only one* 8-hour plant," and that "the 8-hour plant was a highly efficient automobile factory several years old, while the 10-hour plant was a rapidly expanding, mushroom munitions factory." ⁵⁹

Interrelations.—In September, 1921, the membership of the National Industrial Conference Board comprised the American Cotton Manufacturers' Association, the American Electric Railway Association, the American Hardware Manufacturers' Association, the American Malleable Castings Association, the American Paper and Pulp Association, the American Pig Iron Association, the Electrical Manufacturers' Club, the Institute of Makers of Explosives, the Manufacturing Chemists' Association of the United States, the National Association of Cotton Manufacturers, the National Association of Finishers of Cotton Fabrics, the National Association of Manufacturers, the National Association of Wool Manufacturers, the National Automobile Chamber of Commerce, the National Boot and Shoe Manufacturers' Association, the National Electric Light Association, the National Erectors' Association, the National Founders' Association, the National Implement and Vehicle Association, the National Industrial Council, the National Metal Trades Association, the Railway Car Manufacturers' Association, the Rubber Association of America, Inc., the Tobacco Merchants' Association of the United States, the Silk Association of America, the United Typothetæ of America — all national associations — and the Associated Industries of Massachusetts, the Associated Industries of

New York State, Inc., the Illinois Manufacturers' Association, and the Manufacturers' Association of Connecticut, Inc.—all state associations.⁶¹ With so extended a membership of associations, its relationship to the “open-shop” association movement of the United States is almost complete. When the interrelations of the National Founders' Association, the National Metal Trades Association, the National Erectors' Association, the United Typothetæ of America, and the National Association of Manufacturers with the National Industrial Council, are added to the interrelations of the other twenty-four associations, the net work becomes very intricate.

That the Board has interrelations to associations other than through its association membership directly, is evidenced by the fact that seventeen non-member associations co-operated with the Board in submitting a “Statement” to the Council of National Defense “Respecting [the] National Labor Situation.”⁶²

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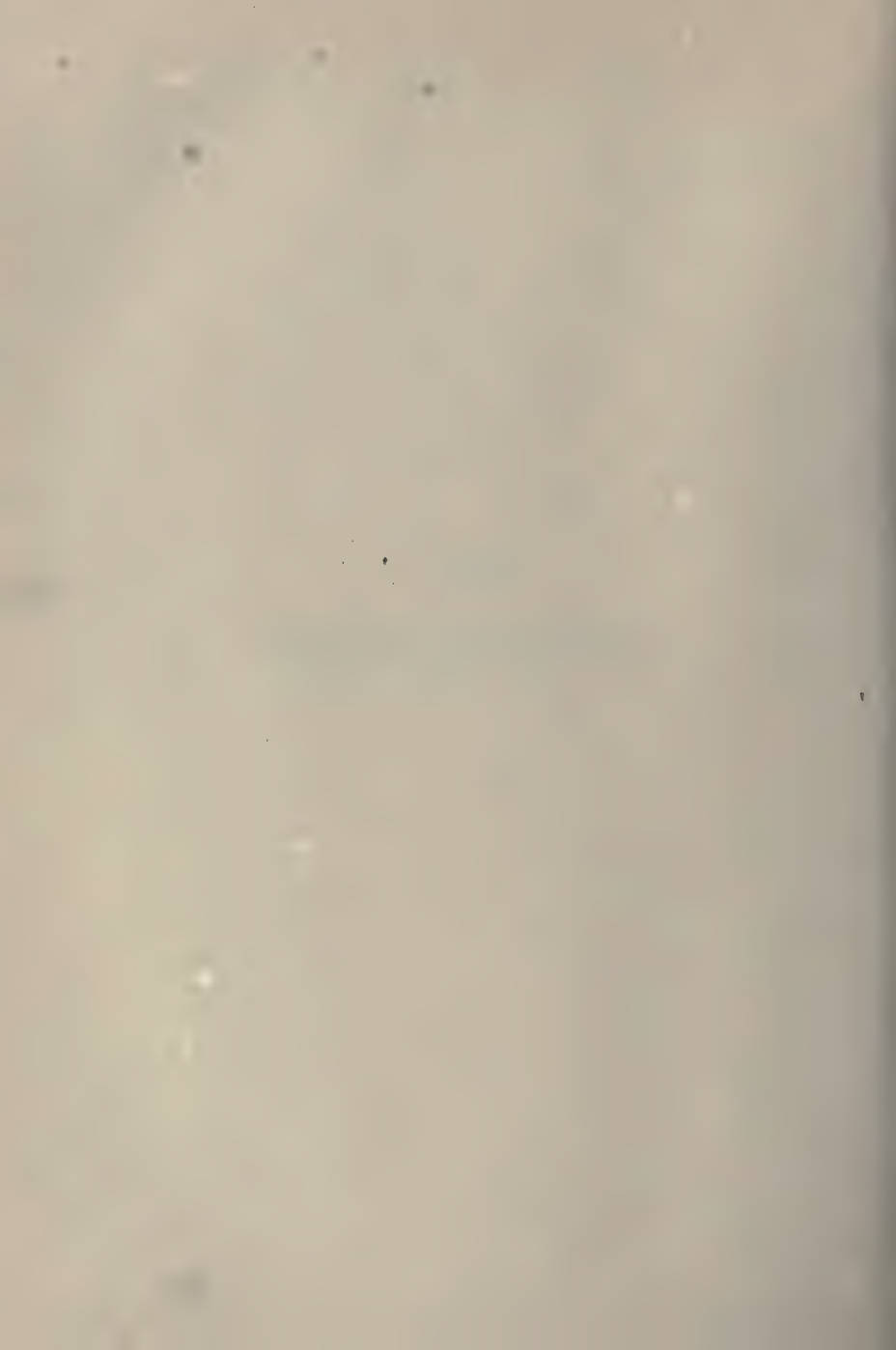
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²² Memorandum. ²³ '17 N M T A 57; '19 U T A 118. ²⁴ D '19 *The Open Shop Review* 493, (Abv. O S Rev); Ja '20 O S Rev 3; See also '19 U T A 118. ²⁵ Ap '19 N I C B 7; See also Memorandum. ²⁶ '17 N M T A 57; For official connection with the Board, see also Ap '19 N I C B 1, 23. ²⁷ '20 N M T A 22; See also Ap '19 N I C B 23. ²⁸ N(20)'20 Letter from the Board. ²⁹ '17 N M T A 57; Publications 3-33; Memorandum. ³⁰ Memorandum; Publications; Reports themselves. ³¹ O '18 O S Rev 400-401. ³² My '20 O S Rev 176. ³³ O(14)'20 *The Iron Trade Review* 1072, 1074. ³⁴ '20 N M T A 26. ³⁵ '20 N M T A 26-27. ³⁶ O '20 *American Industries* 42; See also D '18 O S Rev 492. ³⁷ Ap '18 N I C B 18-19. ³⁸ Report itself. ³⁹ Memorandum; Publications; Booklets themselves. ⁴⁰ Memorandum; See also Leaflets; J1 '19 O S Rev 255-260; S '20 O S Rev 339-345. ⁴¹ '19 U T A 115-118; Cf. Ap '19 N I C B 14-15; Memorandum. ⁴² "Survey" itself; '18 N M T A 50; Publications 36. ⁴³ Ap '19 N I C B 18; Mr '19 O S Rev 124-125. ⁴⁴ Ap '19 N I C B 14. ⁴⁵ O '20 O S Rev 418-419. ⁴⁶ Ap '19 N I C B 16-17; See also F '18 O S Rev 57; O '17 O S Rev 381-391, 402; Ap '18 O S Rev 145-147. ⁴⁷ '18 N A M 293. ⁴⁸ Ap '19 N I C B 17. ⁴⁹ '18 N M T A 50. ⁵⁰ N '19 O S Rev 426-427. ⁵¹ N '19 *American Industries* 13-14, 16; "The Vital Issues in the Industrial Conference at Washington, D. C., O. 6-23, 1919"; Statement of Principles, etc. themselves; N '19 O S Rev 429-436; See also pp. 423-429; See also My '20 *Law and Labor* 136-137. ⁵² "Petition to the Senate of the United States Respecting War Revenue Bill H R 4280." ⁵³ Memorandum; See also Vital Issues etc. ⁵⁴ Memorandum. ⁵⁵ Is Compulsory Health Insurance Desirable? ⁵⁶ Je '19 O S Rev 251. ⁵⁷ D '18 O S Rev 497. ⁵⁸ A case of Federal Propaganda in Our Public Schools 3. ⁵⁹ O '20 *American Industries* 42; Special Information Bulletin, Associated Employers of Indianapolis, 4-5. ⁶⁰ Memorandum. ⁶¹ S(7)'21 Letter; National Industrial Conference Board. The Research Organization of American Industry in the Field of Industrial Economics, June 1921 p. 23; Memorandum. ⁶² *Statement* itself p. 8.



PART V

A LOCAL ASSOCIATION OF
NATIONAL SIGNIFICANCE



CHAPTER XIV

THE ASSOCIATED EMPLOYERS OF INDIANAPOLIS, INC.

THE Associated Employers of Indianapolis, Inc., is perhaps the most active local employers' association in the United States. Its opposition to the closed union shop in Indianapolis has been so successful that, with the exceptions of certain branches of the building and printing trades, most of the industries of Indianapolis are conducted on the "American plan" or open-shop basis. Moreover, through an extended distribution of material relating to industrial relations, it has taken on a national significance. As a fitting culmination to these "educational" efforts and co-operative activities, it has promoted a national federation of open-shop organizations, which may become known either as the "Associated American Employers," or the "American Plan Educational Exchange."¹

Membership.—"The Associated Employers of Indianapolis," it is claimed, "is rated today as one of the largest and most active organizations of the kind in the country, and is now classed among the foremost constructive agencies in its community. Its membership embraces about 500 of the city's most progressive and fairest employers of labor, (in every department of industrial, commercial, financial and professional enterprises) having approximately 40,000 employees. There is not a branch of representative business activity in Indianapolis that is not included in the Association's membership."²

Membership in the Association is open to any person, firm, or corporation that employs labor in any lawful busi-

ness in Indianapolis, and to any other organization composed of such persons, firms and corporations. The voting power of the members in the annual or special meetings is based on the amount of annual dues paid, one vote for each dollar paid at the previous semi-annual period.³

Revenue and Dues.—The Association derives its revenue from initiation fees, membership dues and voluntary contributions. The initiation fee is \$10.00 for each person, firm or corporation which belongs to the Association directly, or which is represented through an affiliated organization. On this basis, each individual or represented member pays *semi-annually* six dollars as minimum dues and twenty-five cents additional for each male and each female employee in excess of the number of twelve. The dues and fees are subject to change at the discretion of the Executive Committee.⁴ Voluntary subscriptions are also received; as much as \$1,000 in a lump sum has been contributed by one firm.⁵

The Government of the Association is conducted by a Board of Directors, an Executive Committee, and a staff of officers. The Board of Directors consists of twenty-one or more members, at present of twenty-four.⁶ They are nominated by a nominating committee chosen by the Executive Committee,⁷ and elected at the annual meetings, one third serially every three years. Not more than two members are allowed to represent any one industry or business. The Executive Committee is made up of nine members, four of whom are the elected staff officers, and five of whom are appointed by the President from the Board of Directors. The members of the Executive Committee are selected annually. The elected staff officers are the President, the First Vice-President, the Second Vice-President, and the Treasurer, all chosen annually. The Secretary is appointed by the Executive Committee, and is the managing officer of the Association.⁸

The powers and duties of the Board of Directors are: to "consider and report upon all matters referred to it by the Association or the Executive Committee"; to fill all vacancies occurring on the Board between annual elections; to suspend or expel any member of the Association for good cause, after a hearing, and upon a two-thirds vote of the Board; and to appoint three of its members as a committee to audit the accounts of the Association at least once a year and report thereupon.⁹

The Executive Committee is empowered to "govern, manage, and act for the Association in all emergencies";¹⁰ to fill any vacancy in the elective staff offices between elections; to pass upon applications for membership in the Association and upon resignations; and to suspend members for the non-payment of dues. It appoints the Secretary, and may require him to perform such general duties as it sees fit, delegating to him the necessary powers for their performance. It also selects the Manager of the Association's Free Employment Bureau.¹¹ It is authorized to "employ attorneys and other necessary employees and agents of the Association, prescribe their duties and fix their compensation"; and to "adopt needful rules for direction of the business of the organization."¹² It has conferred upon it the power to "appropriate such sums from the treasury as it may deem necessary to carry out the purposes and objects of the Association."¹²

The Purposes and Objects of the Association are set forth in three forms: in the Preamble to the Constitution, in a statement of Fundamental Aims, and in the Declaration of Principles. The Preamble states that the Association was organized "with a view of conserving our common interests and for the purpose of assisting each other; to encourage and foster a feeling of friendship between the employers doing business in the City of Indianapolis and their employees, and to develop a spirit of co-operation."¹³

Aims — One of its recent publications declares that “the fundamental aims of this Association are:

“ (a) To stand for equality of opportunity; for the square deal; for the resistance of unfair practices, and for the preservation of justice in law.

“ (b) To solidify the business interests, and, as a matter of community welfare, to invoke industrial and commercial harmony and efficiency on an economic basis that is just and fair to both employer and employee.

“ (c) To represent and act for its members in those industrial, legislative and public matters in which collective action is imperative for the common good.

“ (d) To counsel, advise and assist its members when they become involved in unjust labor troubles.

“ (e) To encourage industrial and commercial stability, production, thrift and co-operative progress through the creation and perpetuation of understanding, confidence and friendly relationship between employer and employee, and to protect both in their contractual right to hire and to labor.

“ (f) To insist, through concerted action, upon orderly government, to the end that ambition and initiative on the part of industry, business and labor may be stimulated and protected, and the successful development and operation of American institutions may be assured through sane and constructive enactments, and their impartial enforcement.

“ (g) In short, to defend the industrial and commercial life of Indianapolis, against the encroachment of its enemies both from within and without, thus affording to enterprise a safe investment, and to labor, both steady and lucrative employment.” ¹⁴

The Declaration of Principles reads as follows:

“We, the members of the Associated Employers of Indianapolis, hereby declare the following fundamental principles which shall govern us hereafter in our industrial relations to each other, to our employees and to the public:

"1. We believe in harmonious industrial relations between employer and employee and that the latter shall receive adequate compensation and timely advancement for his service measured by his individual efforts. We shall not countenance any employer who does not pay a fair day's wage for a fair day's work, nor any employee who shirks a fair day's work for a fair day's pay.

"2. We are unalterably opposed to the principle of the closed shop. It is un-American, illegal and unfair to the independent workman who does not desire to join a union; to the employer who prefers to operate an open shop, and to the public. Therefore, we shall defend the right of every workman to be free to dispose of his time and skill advantageously, and we shall maintain the right of every employer to conduct an open shop.

"3. We are strenuously opposed to lockouts, strikes, sympathetic strikes, boycotts, and kindred evils. We will resist those selfish interests which through coercion, false statements and violence disrupt the relations of peace and unity existing between the just employer and his employees.

"4. Law and order are essential to the commercial progress and development of any city. We pledge our support to the properly constituted authorities for the impartial enforcement of law and the strict maintenance of order at all times and in all places, so that our community may enjoy its constitutional and inalienable right to peace, liberty and security for life and property." ¹⁵

Pledge.— Such are the aims and principles that govern the activities of the A. E. I. It regards them as the American principles which underlie our ideals and institutions, and it has pledged itself to their maintenance in this language:—"To the task of upholding American principles, traditions, ideals, and institutions, the Associated Employers of Indianapolis *stands pledged unreservedly*, reaffirming its belief in the tested principles of our forefathers which have made the United States the greatest nation on earth." ¹⁶

Activities of National Significance.— In its varied and

extensive efforts to maintain these principles, the A. E. I. has taken on a national significance. It endeavors, for instance, to minimize the effect and length of strikes and labor disturbances; (1) by keeping the shops of its members "free from agitation and strife," (2) by urging its members to pay fair wages and have good working conditions, so that no just grounds for discontent and disagreement may exist, (3) by discrediting and exposing the "abusive practices of closed-shop unionism and radical misleaders, so that all workers will be encouraged to view the industrial problem from the economical standpoint of conscience and the Federal Constitution, (4) by insisting upon the incorporation of labor unions to make them legally responsible for the execution of contracts, and the unseating of unwise leaders, (5) by defeating union demands, whether industrial, legislative or political, whenever such contingencies infringe on the rights of the employer or the rights of the 90 per cent of unorganized labor or of the general public," ¹⁷ all to the end that the closed-shop system will be supplanted throughout the United States by the open shop.

Employment Bureau.—The Association maintains a "free employment bureau." Here the workman may apply for a job. His application is filed, his references investigated, and his fitness determined. When an employer makes a request for workmen, the *bureau* refers to the cards of the qualified workers in the designated trade or occupation, and notifies these workmen to call at the *bureau*. There they are given cards to present at the factory. If they are employed, the employer gives due notice to the *bureau*, and the cards of these men are transferred from the unemployed to the employed section of the card system. Workmen are classified according to ability and desirability. By the use of the *bureau*, the employer rarely receives other than peaceable and qualified workmen. "The Indianapolis Em-

ployment Exchange, to handle male and female, skilled and unskilled help for office, factory and store on a community basis, is in the process of formation." ¹⁷

Reducing Agitation and Strikes.— The present increased shifting of labor offers the agitator a better chance to get into the shops of members, so the Association, "in an effort to discourage 'labor turn-over' has secured several hundred signed pledges from employers, agreeing 'to discourage uneconomic practices and displacements in the employment of labor: to stabilize industrial conditions and allay unrest through the proper allocation of labor locally, and to reduce wasteful labor turnover.'" ¹⁸

Employers in other cities, especially automobile manufacturers, have engaged in the practice of "stealing" laborers away from Indianapolis. The Association, to meet this situation in part, secured the co-operation of the Indianapolis newspapers in not accepting advertisements from out-of-town concerns for "help wanted." On one occasion, it caused a national advertising agency to withdraw street-car signs calling for 4,000 men to go to another city.¹⁹ By thus stopping the "pirating" of labor, the labor turnover in the shops is reduced, unrest is lessened, and the chances for "unbridled" agitation in the shops is decreased.

Independent Employee Contract.— As a means of preventing the unionization of any shop, "where the employer is not so inclined, and for the protection of employees who do not wish to join the union, the employer is advised how he can use an *independent employee contract*." ²⁰ Where a number of employees in a shop have signed such contracts, either the employer or the independent workmen can appeal to the courts for injunctions restraining the union organizers from seeking to "cause either employer or employee to break the contracts by attempting to unionize the shop, or compelling employees to join the union against their will." Below is the most recent form of the *contract*:²⁰

"INDEPENDENT EMPLOYEE CONTRACT

(Date)

"In consideration of the mutual desire of both of the parties whose names are hereunto signed — (hereinafter designated as employer and employee) — to enter into a contractual relationship in such manner and form that will promote and protect their mutuality of industrial interest by insuring to the employee, security in employment, and to both employer and employee, the free and unrestricted exercise of their lawful rights to employ and be employed in legitimate employment, occupations and businesses, it is hereby mutually agreed by and between the undersigned employer and employee, that

"FIRST: Said employee, whose trade or craft is that of, is not a member of any labor union and that while he is employed by said employer, the employee will not become a member of any labor union, and,

"SECOND: If at any time said employee, while in the employ of said employer, desires to become or does become a member of or affiliated with any labor union, said employee will immediately notify said employer of that fact, and said employee's term of service shall automatically cease and said employee shall withdraw forthwith from the employment of said employer, and

"THIRD: Said employee, while in the employ of said employer, will not make any effort to unionize or directly or indirectly assist any other person in unionizing the employees of said employer, and

"FOURTH: That said employer will not recognize, treat nor negotiate with nor have any dealings toward unionizing his establishment, with any officer, representative or other agent of a labor union, and will operate his shop, in so far as said trade or craft is concerned, as a shop or business strictly independent of the union, and

"FIFTH: That it is the intention and desire of the said employer and employee, whose names are hereunto signed, that the foregoing employment relation between them shall be kept

entirely free from interference or intervention in any respect whatever, by any labor union, or its members, sympathizers, officers, representatives and agents, or other persons.

“ (SIGNED..... (SEAL)

Employee's name

“ (SIGNED..... (SEAL)

Employer's name

By

Notice to Employees.— The Association has also suggested a form of a notice for employers to issue to employees during periods of agitation. This notice, among other things, informs the workmen within the shop that loyalty will be expected of each and every one of them. It also pledges to the independent or unorganized employees that the shop will not be unionized, that union shop committees will not be entertained, “ and that it is not necessary for any employee to join the union to hold his job.”²¹ This notice reads as follows: ²¹

“ NOTICE TO OUR EMPLOYEES

“ Owing to continued union agitation among our employees on the part of disinterested outside parties, and in order to avoid any misunderstanding on the part of our loyal employees, as to our attitude in connection with the individual contractual relationship existing between us, we believe that the mutual interests of employer and employee can best be served and conserved by adherence to the following principles as a means of insuring to our loyal independent employees, security in their employment with us.

“ This department of our establishment is now operated and will continue to be conducted absolutely independent of any labor union.

“ It is unnecessary for any employee to join a labor union

to hold a job in this department. This firm will continue to maintain the open shop policy in our industrial relationships with our employees.

"We disavow any intention to interfere with the legitimate functions of labor unions, but will not admit of any outside interference with the management of our business.

"Every employee who elects to work in this department will be required to work peaceably and harmoniously with all other employees of this institution, and to the interests of the firm.

"Union agitation and efforts to create fictitious discord in this department will not be tolerated on the part of any employee by the management. Loyalty is expected and will be exacted from each of our employees.

"This firm will not under any conditions recognize nor treat with any union representatives or committees as such, on behalf of our employees collectively. We will at all times endeavor to keep in our employ as business conditions may permit, all persons who remain faithful and loyal to this firm, and we will seek to protect such employees in the security of their employment to the fullest extent.

"The employees of this firm have always been privileged as individuals, to take up with the management, their own individual cases in their own behalf. We will at all times, in the future as in the past, be glad to confer with any or all employees individually, on all matters NOT affecting shop policy or management, but we will not entertain union shop committees.

"The management of this firm is directly responsible for the work turned out by our employees, and we reserve the unrestricted right to designate and select the employees whom we consider competent to perform our work, and to determine the conditions under which that work shall be performed. The question of the competency and compensation of our employees rests entirely with us and will remain in the hands of this firm.

"It is the privilege of any employee to leave our employ when he or she sees fit, and it is our privilege to terminate the service of any employee if we see fit.

"The above principles are absolutely necessary to the suc-

cessful operation of our business, if the mutual interests of this firm and its employees are to be best served and conserved.

Date
NAME OF FIRM."

Information as to Agitation.—"The Associated Employers of Indianapolis, through extensive acquaintance and friendly relationship with hundreds of working people both in and out of the unions is kept informed with respect to labor matters, union agitation, and conditions that affect the employment relationship of employer and employees. In this manner the Association secures information regarding radical movements and activities and is enabled to counteract and check un-American practices, agitation and tendencies that threaten to disrupt the peace and harmony existing between satisfied employers and employees. Protection is also given unorganized labor in its right to work without having to possess a union card, and employers are protected in their right to operate open or non-union shops independent of union domination and control. Vigilance is especially needed, say the employers, when the percentage of union men in a shop predominates, or where it is in excess of twenty per cent. Employers feel that the safe maximum number of union men in an open shop must not exceed thirty-five per cent,—ordinarily not over twenty per cent, and less than twenty per cent in most cases is considered a safer limit." ²² By regulating the percentage of union men in a shop, the employers hope to lessen the opportunity for agitation and thus prevent strikes.

Reducing Causes for Agitation.—Bad working conditions and poor wages lend the strike agitator a strong appeal in his "misguided efforts to stir up strife," ²³ and so to offset this appeal, the A. E. I. endeavors to reduce these causes to a minimum. "The Association has continually urged employers to make the betterment of working condi-

tions and the payment of *just wages* commensurate with the degree of individual efficiency, loyalty and service rendered, one of the *fixed policies* of the American Plan or open shop business management. Harmonious industrial conditions and sympathetic understanding between employer and employee, can be promoted in no better manner than through the general adoption of the Association's principle — '*A fair day's pay for a fair day's work, and a fair day's work for a fair day's pay.*'" ²⁴ The A. E. I. has formally resolved, as employers, "to continue the payment of just wages" to their employees "in proportion to the individual worker's efficiency, productive ability and loyalty," and to "see to it at all times that every other employer shall take the same fair stand." ²⁵ The Association contends that any "employer who is unfair will find, as he deserves to find, that he has nothing but the cheapest and most inefficient help, such as the members of the A. E. I. do not want." ²⁶ But while its members desire to pay good wages, they insist that they must get production in return. The A. E. I. has "no sympathy whatever with unwise employers who are the exceptions among manufacturers, and who are charged with the offense of trying to crush labor and force wages down below a consistent average level." ²⁷ It argues that "Such employers, while they are in the minority, are makers of Bolshevism and unrest, and are to be condemned." ²⁸ The Association purposes "to maintain fair and reasonable labor conditions that will promote industrial harmony, business activity and community growth." ²⁹

The Association insists that most business men have risen from humble positions, that every employer is a workman, and "every workman who accumulates savings and property is a 'capitalist,' and that nearly all of the employers are and should be in personal contact with their employees." ³⁰ It also calls attention to the vast amount of safety devices and sanitary equipment that have been in-

stalled in factories, and to the character of modern homes rented or sold on easy terms to wage-earners by many employers.³⁰

As a further means to reduce unrest occasioned by the high cost of living, the members of the A. E. I., by a resolution adopted in 1920, pledged themselves to increase all the factors entering into production, including labor, as a means of helping to end the world's shortage of goods.³¹ The A. E. I. reasons that "the standard of living can be raised and the costs of living lowered only by and through increased efficiency and a greater per capita production in real wages, which consists of the commodities and necessities of life."³²

After having endeavored to reduce the causes for agitation and friction to a minimum, the Association has attempted to show misguided agitators their errors, and has condemned and exposed the misleadership of labor unions. The Association declares that "the members of our organization are at all times willing to confer on industrial matters with officials of the Church Federation or clergymen individually, and to encourage them to visit and inspect manufacturing plants and places of business where large numbers of workers are employed, in the belief that such action will result in the clergy learning first hand of the true economic condition which governs industry and trade just as truly as the law of gravitation governs the universe. Employers who now have a great many problems to deal with, have no reason whatever for concealing them and while ministers may not be able to solve them directly, they can by first hand information, do much to discourage and correct ill effects of erroneous radical antagonism that is detrimental to the operation of successful business and to the safety and welfare of the public at large,"³³ It sent to the clergymen of Indianapolis of all denominations, copies of reprints from *Industry* on "The Labor Sunday Sermon as

a Medium for Industrial Enlightenment," "The Individual Clergyman and the Problems of Industry," "The Facts in the Case of the Interchurch World Movement," and "The Steel Strike Report of the Interchurch World Movement." It criticized the "Steel Strike Report" by the Interchurch World Movement as biased and unfair to the U. S. Steel Corporation. In view of the numerous publications and invitations given to clergymen to inspect personally the factories and discuss working conditions with the employers, the Association contends that "no well intentioned but misinformed clergyman need go long uninformed on labor matters." ³⁴

Attack on Agitators.—The Association, as one might well expect, attacks union agitators as a minority element "whose activities tend to override, obstruct and destroy the liberties of others, including even the members of their own organizations." ³⁵ It contends that "employers and employees would continue to get along harmoniously *if it were not for the machination of paid agitators who thrive upon the misfortunes of deserving workers whom they beguile and mislead.*" ³⁶ It points out that strikes have been due to agitation, "in most cases to the efforts of outside organizers and strike agitators who sought to gain aggrandizement by attempting to secure control over business, industry and labor." ³⁷ It presents a long bill of indictments against labor agitators, such as graft and murder, and enumerates the evils of closed-shop unionism from the point of view of the "independent workman," in booklets on "Closed-Shop Unionism," and on "Which? Open or Closed Shop." ³⁸ It condemns the "blatant professional agitators for misrepresenting union labor and for assuming without authority 'to represent ALL labor.'" ³⁹ It characterizes them as autocratic, "narrow-minded designing men," and denounces them for attempting "to promote needless strife and discontent, and to call strikes without rhyme or reason in an

effort to unionize and nationalize the country through efforts to rule or ruin." * 40

It classes war-time strikers with traitors, and labor-union sluggers with murderers.⁴¹ It foresees chaotic conditions threatened by unrestrained labor-union license,⁴² and the failure of the labor union movement if radical labor leaders continue in control. It contends that "Employers are not at issue with closely organized, well-disciplined unions that keep their word. *They are not satisfied with the brawling, radical unions* and these unions are the enemy of the closed-shop movement." "Our contention is not with the American workmen, but with the pernicious union leader."⁴³ It asks, "Where will it all end?" with the demands of the unions for ever higher wages, with lessened production, and increasing union radicalism.⁴⁴ It maintains that "the conflict is no longer between industry and union labor, nor between the Closed Shop and the Open Shop, but it is between the American people, as a whole, and the organized forces of violence marching under the false guise of attempting to 'better labor's condition.'"⁴⁵ It refers to some brands of walking delegates as "a band of men who meet in secret and make rules affecting the pursuits, the prop-

* Another illustration is contained in the following:

"*The Strike Promoter*.— His capital is the sinew and bone of workmen upon whose earnings he waxes fat, cruel and autocratic. He is the most merciless capitalist with whom labor has to deal. The hand of toil supports him in a life of ease and it is he who lolls complacently in his easy chair while his slaves are cuffed, knocked and bruised. It is he who builds a wall of luxury. It is he who provokes disagreement, wrangle and riot; prejudice between honest employers and employees.

"In the wanton use of his human capital he runs no financial risk. Business cries do not bother him. He has no worries anent market conditions, state of trade or the price of exchange. Payrolls, maturing notes and obligations are as far from his thought as is the north star from the reach of his grasping hand. He and his co-workers maliciously conspire to restrain trade and in the doing of this defy the laws of the land." [D(1)'20 Bulletin.]

erty and the children of other men, and who then set out to enforce these rules by destroying life and property, ruining business, paralyzing industries, and over-riding constitutional guaranties." ⁴⁶

Condemns A. F. of L. and Closed-Shop Unionism.—

The American Federation of Labor and its organizers are condemned unsparingly. Official resolutions of the Association declare:—"The American Federation of Labor, in its campaign of intimidation of employer and employee, and in its defiance of the courts, and by its threats to officers and representatives of our Government, *seeks absolute control over Government, industry, business and labor*, through the instrumentality of the closed union shop." ⁴⁷ "The Greatest Menace today to the perpetuation of the rights and principles of the people, and to the guaranties of the free institutions of the United States is to be found in the destructive propaganda, aims and practices of the American Federation of Labor, which represents less than three per cent of the country's entire population." ⁴⁷

The Association attacks the closed-shop union for curtailing production, for inefficiency and lack of productivity. ⁴⁸ It attributes the high cost of living to low production. ⁴⁹ The American Federation of Labor is denounced for its agitation for fewer working hours and restricted production, while it demands, at the same time, higher and still higher wages. ⁵⁰ The Association maintains that the high cost of living is due primarily to the labor unions. It argues that the "unions increase the cost of living" by demanding excessively high wages which cause a partial or total suspension of industry through the great increases in labor costs. It contends that the unions habitually restrict production markedly by arbitrary limits set upon the amount of work that a workman may do in a day. It cites instances of waste caused by the unions, such as the uneconomical practice of the typographical union in requiring the

setting up of type after a matrix has already been made and the matter printed. It also reasons that the large amount collected as union dues is one of the factors in the increased cost of living.⁵¹ It opposes the 44-hour week, and insists that to shorten the work-day would further curtail production at the time when greater production is needed to meet the present situation. Members were instructed to "*Communicate with your printer today*, either by letter or telephone, or in person, and urge him to refrain from granting the 44-hour week, since no industry the size of the printing trades can take such ill-advised action with the resulting curtailment of production and increasing operating costs, without *seriously disturbing all other lines of business*. We suggest also that you write a letter of encouragement to the United Typothetæ of America, . . . and the Employing Printers of America . . . urging the employing printers of the country to refuse to become parties to the '*economic crime*' of adopting the 44-hour weekly working schedule."⁵² It shows that strikes increase the cost of living by curtailing production, thus making commodities scarcer and accordingly higher in price. It estimates that strikes in 1919 cost the nation from \$1,800,000,000 to \$2,000,000,000, of which about a billion dollars each was the loss sustained by labor and industry. It sets forth the "folly of strikes" in the loss of wages during long strike periods, and calculates that this is not offset by the increases in wages that may be gained. It also calls attention to the irretrievable loss of labor power and production, especially as it affects the public by curtailing directly and indirectly the supply of essentials.⁵³ Furthermore, it declares that the unions, by restricting the number of apprentices, lessen the supply of skilled labor which would produce needed commodities.⁵⁴ It charges the A. F. of L. and its affiliated unions with attempting to set themselves above the law and to dictate to government, to business and to labor that no

one shall be permitted to work who does not belong to these organizations, and which attempt, if successful, would restrict production.⁵⁵

The Association makes war upon the closed-shop system, in part by contrasting conditions under the closed shop with those under the open shop. It characterizes the closed union shop as "uneconomic, illegal, unfair and un-American."⁵⁶ "The closed shop confronts the employer with the necessity of hiring his employees *not because they possess the qualifications which he desires*, but because they possess the qualifications which *some labor union* requires. The closed shop means that you must employ men *not because* of their personal competency, but *because they are members* of some organization in which the *sole test* of fitness for your business, is membership, *regardless* of their personal deficiencies. The closed shop requires of the employer that he not merely accept this labor *against his own judgment*, but actually in *defiance* of it. In other words, the closed shop employer is confronted with the expediency of employing that labor or none. Once having employed that labor, the closed shop employer, under penalty of strike, must then submit to restricted production, while the public pays higher living costs for the resulting scarcity of products."⁵⁷ The Association contends that only through the instrumentality of the open shop can the rights of individuals be maintained, and that, "The one great industrial issue before the American people today is the *right of the individual citizen* to work where, when and for whom he pleases, on terms and under conditions that to him are agreeable and acceptable."⁵⁸ "The open shop is the *only fair basis of industrial relationships* for the public at large, for employer and for employee. The principles of the open shop guarantee to *all citizens* the free and unrestricted right to work when, where and on such terms as their *individual interests* may dictate or re-

quire. The door of equal opportunity is thus opened to all citizens who earn a living by hand or brain, and they *are not subject* to arbitrary decisions and restrictions of labor union agitators, or to false and uneconomic rules of conduct.”⁵⁹

Contrast Open and Closed Shop Conditions.—The Association has frequently contrasted the commercial and industrial growth of open-shop cities with closed-shop communities. The comparison is always unfavorable to the closed-shop communities. For instance, open-shop Detroit has been compared to closed-shop San Francisco, and it is pointed out how Detroit has won out over San Francisco.⁶⁰ Other cities, such as Akron and Los Angeles, both open-shop cities, are contrasted with Spokane and Paterson, N. J., where the closed shop was the rule.⁶¹ The A. E. I. presents further evidence that the “open shop encourages growth,” while “unions drive industry away,” that cities which were formerly closed-shop have experienced greatly increased prosperity after they were established on the open-shop basis.⁶² It attributes the dismantling of the largest cotton mill then in Philadelphia to “the intolerable demands of labor,” which “kills the goose of the golden eggs.”⁶³ On the other hand, it ascribes the industrial and commercial growth of Indianapolis to open-shop conditions.⁶⁴

The Association is proud of the characterization of Indianapolis by union agitators as, “The graveyard of union aspirations; the scabbiest hellhole in the United States.”⁶⁵ It regards this characterization as an excellent advertisement, and points out that open-shop conditions in Indianapolis are causing many new industries to locate there,⁶⁶—seventy-five new ones in a twelve months’ period to December 1st, 1920, while many others were negotiating to come.⁶⁷ After the Chamber of Commerce of Indianapolis has interviewed the representatives of the prospective enterprise, it refers them to the A. E. I. “for industrial enlightenment,”

with the result that the city usually obtains the new enterprise.⁶⁸ This "industrial enlightenment" is to the effect that the man of "business and industry is afforded in Indianapolis a safe place for financial investment, wherein labor without regard to class, creed or social affiliation, also finds steady and lucrative employment, and every citizen is assured of legal protection in the unrestricted exercise of his or her lawful right to employ and be employed, and in the legitimate enjoyment of the guaranties afforded to all citizens, by the Federal Constitution and the State's Bill of Rights, in 'Life, Liberty and the Pursuit of Happiness.'" ⁶⁹ The Association calls particular attention to the "anti-picketing" ordinance of Indianapolis as one of the strong points to advertise the city.⁷⁰ It also circulates "Labor Conditions and the Open Shop in Indianapolis" as a means to induce other employers to locate in this city; as well as to annihilate closed-shop unionism.⁷¹ In seventeen years, it has changed Indianapolis from a closed-shop community to a 90 per cent open-shop city,⁷² and it stands ready to aid the contractors in the closed-shop branches of the building trades to put these on an open-shop basis whenever these contractors desire or become willing to make the change.⁷³ It has already started a campaign against the closed shop in the building trades,⁷⁴ with the charge that "unions make building costs prohibitive."⁷⁵ It has sent out a letter of an open-shop contracting painter appealing for patronage on the grounds that he conducts an open shop.⁷⁶ It has circulated a pamphlet, "Facts About Indianapolis," to induce non-union workers to come to Indianapolis.⁷⁷

Industrial Education.—It has been active in fostering trade schools and industrial education to encourage the training of skilled workmen.⁷⁸ It has aided in the promotion of a "School for Foremen," as well as lending its support to the public vocational schools.⁷⁹ It has co-operated with the Chamber of Commerce in making an industrial survey of

Indianapolis to secure data with respect to prevailing wages, skill, sex, union affiliations, industrial classifications, labor turnover, labor shortage and output per employee at present in comparison with pre-war standards.⁸⁰ Obviously, such data would indicate which fields require special attention in the training of new workers.

Urges Wider Organization.—It appeals to its members to solicit other employers to join the A. E. I. and stand for the open shop.⁸¹ It provides in its By-Laws for probationary membership for employers affected with a strike who wish to join the Association. For such members, it combats the strike at their expense. Furthermore, the Executive Committee is authorized to admit strike-afflicted employers to full membership, should such action be judged conducive to the best interests of the Association.⁸² A step of this sort might well reduce the risks of labor disturbances, as the extinguishment of a fire in one building prevents its spreading to the next one until it sweeps the city. The A. E. I. regards its activities as in the nature of industrial insurance.⁸³ By increasing the number of open-shop employers and lessening the number of closed shops, it reasons that the risks will be decreased and the costs reduced: "Unorganized employers are compelled annually to spend millions of dollars in erratic attempts to defend business and industry against the increasingly insistent attempts of professional strike agitators and destructionists to *rule or ruin*, in the effort of trade union misleaders to gain control over American institutions and labor."⁸⁴ "One small part of this vast sum of money judiciously expended by employers and business men in intelligent co-operative effort, will in a short period of time, do more to conserve and promote the business equilibrium and progress of the community and the nation than several years of individual spasmodic, but hit and miss defense of American rights and institutions."⁸⁴ It emphasizes the point that the unions have "great war

chest" and own buildings, while the associations must use rented quarters, and that there are "millions appropriated to 'throttle business'" by the unions.⁸⁵

The A. E. I. is conducting a national campaign for the open shop against the closed shop. In the promotion of the open shop, the Association has adopted a resolution to the effect that its members, individually, collectively, and as an organization, must make every effort to bring to the attention of business associates, the schools, the churches, the homes and other constructive agencies, "the fundamental truths with respect to the open shop."⁸⁶ It offers evidence that the open shop was generally prevalent before the war.⁸⁷ It has circulated letters from employers who have declared for the open shop after they had undergone a very unsatisfactory experience with the closed shop. These letters set forth the "intolerable conditions" of the closed shop.⁸⁸ The Association has published the open-shop announcements of certain manufacturers, who, tired of the "constant turmoil" of the closed shop, determined to discontinue all dealings with the unions.⁸⁹ It cites numerous instances to show that the "unions break agreements," and declares that "most unions treat their trade agreements or 'collective bargains' as 'mere scraps of paper' which they can and do break at will and without honor or responsibility."⁹⁰ It calls attention to "outlaw strikes" as one of the methods by which agreements are violated.⁹¹ It has pointed out the growth of the open-shop movement in America, and outlined the methods used to bring about the open shop, for example in Tulsa, Okla., Little Rock, Ark., Dallas, Beaumont, Austin, San Antonio, and other Texas cities.⁹² It has referred to the aid that banks have given to the open-shop movement, for instance, in Tulsa, Okla.⁹² It has suggested that all open-shop associations should send in the advertisements employed in their "educational campaigns" for the open shop, so that a book of these might be com-

piled for the general information of all present and prospective open-shop communities.⁹³ It has urged all open-shop cities to publish their census returns to show their progress in contrast to closed-shop cities.⁹⁴ The A. E. I. has suggested to all open-shop publications that the time is now ripe for the concerted beginning of a nation-wide campaign "to expose the uneconomic, un-American abuses existing in the unionized building trades."⁹⁵ It notifies the employers that the unions have organized a nation-wide campaign to unionize all industries, and that the unions are conducting "incessant warfare on industry."⁹⁶ It denounces the typographical unions for their domination of the newspapers of the country, and for an oath of allegiance which is said to place loyalty to the union above church, government or any other organization.⁹⁷ It has opposed the use of the union label on campaign literature as well as on other articles. It reasons that the union label is intended to serve as a boycott on the goods which do not bear that label.⁹⁸ It points out that the unions have undertaken a campaign to organize the retail clerks generally in the hope to force the sale of union label goods, and accordingly, it combats such organization.⁹⁹ It has asked the aid of association secretaries "in bringing to the attention of the [American] Legion officials any untoward action that the labor unions in your vicinity may have taken against the Legion."¹⁰⁰ It has denounced union shop representation as a form of collective bargaining which should be avoided.¹⁰¹ It has shown how the N. M. T. A. was able to defeat in Cincinnati a well organized general strike supported by the national union. It published the charge that union officials had spent thousands of dollars to bring sluggers into Cincinnati during that strike, gave accounts how these sluggers beat up old and helpless men, and showed the connection of some union officials with the communists.¹⁰² Thus the A. E. I. conducts a vigorous and extended campaign against the closed shop,

and to such an extent that the onslaught has become of nation-wide importance.

To maintain the open shop, and break up the closed shop system, the Association has found it necessary to defeat union demands at every turn, industrially and politically, national as well as local. Locally the strike generally presents the most pressing problem. On a state or a national scale, labor legislation and political contests are usually the most important problems.

Combating Strikes.—The A. E. I. has been notably successful in defeating strikes and union demands in Indianapolis. Its first serious encounter was with the machinists' union and the building-trades unions about 1905. The Association defeated the machinists' union decisively, and established the open shop. The building-trades unions were defeated at the time, but were able in 1909 to place building again on a closed-shop basis. The A. E. I. intimates that the closed shop was re-established in the building trades by a campaign of dynamiting which intimidated the contractors into signing trade agreements, "although the dynamiters were apprehended and punished through joint action of many agencies with the Government."¹⁰³ During the teamsters' strike in 1913, the Association was supported by the banks, one of which had large deposits of the international unions, but which was not frightened by the threats of the unions to withdraw these deposits. The co-operation of the banks and business men was such that the bank offered the money at once, and the threat came to naught. During this strike, the Association formed an auxiliary organization known as the Commercial Vehicle Protective Association. Non-union teamsters were secured and housed in a commissary. The authorities were assisted in preserving law and order by means of mounted patrols and infantry organized by the Association and its members. The teamsters' union failed to secure recognition. Similar

events occurred in the street-car strike of that year, because the Mayor of the city at the time was sympathetic towards the strikers and did not enforce law and order with a stern hand. Rioting took place. The Mayor, facing a threatened impeachment, resigned under "pressure of taxpayers and business men."¹⁰⁴ The new Mayor promptly suppressed the disturbances in the subsequent teamsters' strike, and which strike the union lost. Indianapolis, in 1919, however, had about 35 strikes — more than in the previous five-year pre-war period, but even these were mostly minor disturbances and of short duration, "ending in the establishment of the open shop."¹⁰⁴ During a threatened strike of machinists in that year, the Association learned of the union plans to present certain "closed-shop" demands to the employers. The Association immediately drafted a reply for its individual members, and as the manufacturers received the demands by mail, they telephoned the office of the Association and had the reply dictated at once to a stenographer over the wire. The reply was posted in the plants ready for the walking delegates of the union when they called for an answer to their demands. The union committee was informed that the shop would continue to be operated as an open shop, and that the independent employees would be protected. The union leaders realized that the employers had been informed of the union's plans in advance, and that a struggle would be futile, "so a threatened general strike was averted without any disturbance in a single plant."¹⁰⁵

Whenever a member of the Association becomes involved in a labor dispute which infringes upon his rights as outlined in the aforesaid "Aims" and "Principles," he is "entitled to the assistance and support of the Association in settling such trouble according to right principles."¹⁰⁶ But if the difference or dispute does not relate to "freedom of contract, open shop, employment of apprentices, restriction of output, strikes or sympathetic strike or boycott," then he receives

only such assistance and support as the Executive Committee may deem just and proper.¹⁰⁶ No member, after having invoked the aid of the Association, is permitted to sacrifice or depart from the above principles without the sanction and approval of the Executive Committee. Where these principles are not involved, for instance, in a dispute over the method of wage payment, the member may settle the dispute as he deems best.¹⁰⁶

It is, however, the duty of the Association, in all cases of industrial disputes, "to assist in the maintenance of law and order, and in the protection of the personal and property rights of employers and employees, and to aid in the prosecution of all persons guilty of any violation of such rights."¹⁰⁷ As a strike rarely occurs in which none of these rights is violated, "the Association, prior to the passage of the anti-picketing ordinance was usually compelled to appeal to the courts in every strike."¹⁰⁸

The Association issues notices to members to acquaint them with conditions during a strike or during agitation leading up to a strike. These circulars and printed literature furnish the members with material to combat strike agitation. Such matters as the failure of strikes and the inability of the union to pay strike benefits, are dealt with specifically in these circulars. Attention is called to the fact that agitators receive their pay whether the strike is won or lost. The duplicity of agitators is exposed. Accounts of how such exposures lead the conservatives in the union to make war upon the radicals, are also given. Political deals in the union management are expounded, and the possibilities outlined. Thus members are kept informed so that they can co-operate fully in attacking the weak points in the strikers' offensive.¹⁰⁹

It promptly calls attention to new forms of "closed-shop" and similar propaganda. In one instance, it asked pointedly if we were to have "Soviet propaganda through 'Labor

Film Service?' " It has pointed out the extent to which closed-shop unions seek control of business management, for example, by attempting to force superintendent and foremen who are also stockholders in a business concern to take out paid-up union working cards and pay back dues into the union treasury. It set forth the activities of the "Labor Defense League" especially in regard to a questionnaire circulated among merchants to make them stand against the open shop. Merchants to the number of 3,000 were sent an "Emergency Bulletin" which told of a plan on foot to organize the clerks, and to create a fictitious demand for union label goods through persons who asked for such goods and refused to buy because the merchant did not keep them for sale. This "Emergency Bulletin" also instructed the merchants to refuse to answer the questionnaire and invite the questioners off his premises.¹⁰⁹

Through the employment bureau, the employer is furnished with men to replace those on strike, whenever that step becomes necessary and the workers are available. Except in times of acute labor shortage, Indianapolis usually has sufficient non-union men available for any struck shop, for the number of union men in Indianapolis forms only a small percentage of the working people,—a condition that is due to the efforts of the A. E. I.¹¹⁰

Labor Litigation and Legislation.—In every actual strike, the non-union workmen must be assured of and given protection. They must be assured by their employer that they will not be discharged as threatened by the union agitators who boast that they will force the employer to recognize the union and to "fire the scabs." The employer must give notice that he will continue to operate an open shop, else the workmen in the shop will lose morale,—the Association has met this situation by having the necessary notices ready to post.¹¹¹ The non-union workmen must also be protected against intimidation and violence. They may

have to be housed under one roof, guarded, and transported to and from work in automobiles.¹¹² The employer, through competent counsel and advice furnished by the Association, obtains an injunction, if necessary, from State or Federal Court to protect his property and employees.¹¹³ The Association has notices of these injunctions prepared and posted about the work places and entrances thereto.¹¹⁴

If the union agitators or followers violate the injunction, the Association endeavors to secure adequate evidence to convict. The fines and jail sentences imposed upon the violators usually tend to check their activities. On some occasions the court has delivered a sharp lecture to those who are guilty of contempt of court and has exacted from the defendants a promise to end lawlessness in the strike, and to cease their agitation and leave the community. The Association has sent out accounts of such contempt hearings. One of these accounts dealt with the declaration of Judge Anderson, in July, 1920, that "the Government and not the labor union must rule," and another with the jail sentences passed upon the Mayor and Chief of Police of Gas City for not enforcing an injunction.¹¹⁵

As a deterrent to those who would violate the law unless warned of the penalty, the A. E. I. has called attention to the fact that injunctions have been issued in various parts of the country to restrain organizing activities when these threaten to cause individual employee contracts to be broken, that picketing is likewise enjoined when it intimidates the employees who wish to remain at work, that men are fined and jailed for contempt of court in violating such injunctions, and that the unions have had to pay heavy damages for picketing, boycotting, and similar offenses.¹¹⁶

As a result of the riots in the strikes of 1913 "which demonstrated the usefulness of the citizen mounted patrol and infantry," the Association has organized a "permanent citizens' police reserve of 1500 men from offices, factories

and stores, including workmen, foremen, superintendents, and some executives and professional men. Each member of the reserve has taken oath before the Board of Public Safety, and upon proclamation of the Mayor, this reserve is available for prompt action in case of any emergency; its personnel is maintained up to its original number. Rifles, clubs and police badges are kept in a convenient place, ready for use at any time should a mob think it can override the law in Indianapolis." ¹¹⁷

The A. E. I. has taken a very active interest in labor litigation and law enforcement. It does not confine its efforts alone to securing injunctions or to their enforcement. It stands for "the enforcement of all laws directed against revolutionary and un-American activities," and urges that reverence for the law be taught in all the schools, printed in the text and other widely-read books, preached from the pulpits, proclaimed in legislative halls, and enforced in the courts of justice.¹¹⁸ It has received the highest commendation from one of the judges of a high court in the State of Indiana. It was commended for its principles and activities in upholding the law.¹¹⁹

The Association has been active as a proponent of legislation to restrict the activities of labor union agitators and professional radical disturbers. It helped secure the passage of a "war-loafer" ordinance, an "anti-banner-carrying" ordinance, and an "anti-picketing" ordinance in Indianapolis; and an "anti-Bolshevik" law in Indiana. It also took part in promoting a "daylight-saving" ordinance and similar measures.¹²⁰

The Anti-Picketing Ordinance.— Its efforts in the passage of the "anti-picketing" ordinance illustrate well the legislative activities of the A. E. I. The "anti-banner-carrying" ordinance, passed in 1916, "which merely covers the offense of displaying boycott banners," was not drawn in broad enough terms to meet the extensive picketing that

was done by the labor unions in the course of the thirty-odd strikes that were called in the year 1919 in Indianapolis. "The police could not afford adequate protection to the non-union workers against the usual intimidation by the strikers."¹²¹ The result was that many of the independent wage-earners feared to continue at work. The Association sought and secured an "anti-picketing" ordinance as a measure of relief.¹²²

The Association formulated a bill to meet the situation and set about to secure its passage by the City Council. The proposed law was drawn up by the counsel of the organization, discussed by its leaders, and then presented to a joint meeting of twenty-two civic organizations called at the Chamber of Commerce. This meeting unanimously endorsed the bill and urged its passage. The bill was then taken to a member of the Common Council who agreed to introduce it, and who did so on September 15, 1919. The union agitators raised a storm of protests, and another meeting of employers was held. On September 18, a group of 130 business executives met informally and decided to take measures to push the bill through the Council. On September 19, in the presence of business men who packed the Council Chamber and gallery, the Council passed the ordinance.¹²³ The union leaders immediately called upon Mayor Chas. W. Jewett, and asked him to veto the ordinance. The Mayor, however, declared that he would sign the law and did so. The A. E. I., on September 25, issued a statement commending the Council and the Mayor for the passage of the ordinance, and calling upon all citizens and civic organizations to do likewise. It reviewed the conditions that led to the passage of the act, and upheld the validity of the ordinance.¹²⁴ On October 2, the A. E. I. issued a second statement to the effect that civic and commercial organizations had endorsed the ordinance. This statement was followed up on October 4, 5, and 6, by a double-page

display advertisement exhibiting the fifteen resolutions adopted by the various civic and commercial organizations, which thus officially commended the Mayor and the Council for the passage of the act. The Association followed this up with a statement on the benefits that Indianapolis had derived from the open shop. It also published a booklet setting forth who the union leaders were that had signed a protest against the "anti-picketing" ordinance, and who had published the "protest" as an advertisement in the city newspapers on October 11-13.¹²⁵ It had notices of the ordinance printed and posted. Thus it was made clear to all strikers that the ordinance prohibited all picketing that in any way intimidated, disturbed, or molested the non-union workers, and that it provided a penalty of a fine from \$10 to \$300 and a possible additional penalty of imprisonment not to exceed sixty days in jail for violation of the law.¹²⁶ The Association then sent out the following instructions:

"Employers involved in labor difficulty, and their employees who may be molested by labor union or strike pickets, should *immediately* bring to the attention of the Chief of Police and the City Prosecutor, *all* instances of *illegal* interference which appear to be in *violation* of the ordinance. Diligence must be exercised in such cases, to secure all *information and evidence* possible as to what occurred, time, place, etc., including the names of witnesses."¹²⁷

The ordinance was violated. The unions sought and obtained a temporary injunction restraining the authorities from enforcing the law. The ordinance, however, was held to be constitutional, and the injunction dissolved. All told, there were three separate court decisions upholding the validity of the ordinance. "The unions appealed from these decisions to the Supreme Court of Indiana where the case is pending." (Nov. 1920.)¹²⁸

Other Legislative Activities.—The A. E. I. also assisted in encouraging the passage of an "anti-Bolshevik" law by

the State Legislature of Indiana. The Association prepared notices containing this act, had them posted, and urged patriotic citizens throughout the State to report to the attorney-general or the county prosecutor any violations of this law. Similar notice and appeal were made with respect to the anti-sabotage law of the United States.¹²⁹

The Association has, on the other hand, successfully opposed much legislation sought by the labor unions. For instance, the "A. F. of L. model anti-injunction bill," which was pressed for passage by the Indiana State Federation of Labor, was defeated repeatedly before the State Legislature of Indiana. The A. E. I. analyzed this bill and pointed out that an identical law in Massachusetts had been declared unconstitutional by the Supreme Court of that State. The Association appealed to those who believed in law and order to write to their state senators and representatives urging the defeat of this bill. It gave the names of the senators from Marion County and of the members of the House Committee on Labor, which had the bill under consideration.¹³⁰ It has also called attention to the fact that the union labor leaders, although they were demanding legislation to abolish the injunction in labor disputes, had resorted to an injunction to restrain the enforcement of the "anti-picketing" ordinance.¹³¹

The A. E. I. protested against and denounced the passage of the Adamson Law.¹³² It opposed the Plumb Plan as an attempt to "sovietize" American institutions, and urged extended "educational work" in opposition to such proposals. It circulated "The X. Y. Z. of the Plumb Plan" and a printed letter of Senator Pomerene as a part of that "educational work."¹³³ It has asked of the various associations with whom it corresponds for information in regard to proposed legislation in state or municipality, "prohibiting non-residents from holding jobs as strike-breakers or private detectives or guards during labor troubles, and requiring per-

sons holding such jobs to wear badges." It has taken this step to head off such legislation at the behest of the American Federation of Labor.¹³⁴ It has called upon the business men of Indianapolis to protest to their senators and congressmen against the enactment of the Plumb Plan or "Tripartite Control" of the railroads.¹³⁵ It has also denounced congressional inattention to identically worded protests sent in by various manufacturers. It contends that such inattention amounts to a denial of the right to petition.¹³⁶ It also urged "employers to protest to the Railroad Labor Board against recognition of any plan that would give the railway unions control over the railroads or management."¹³⁷

The A. E. I. opposes legislation designed to create a "new order of things"; it desires "constructive legislation and the enforcement of laws to check the radicalism of the A. F. of L. and the Bolsheviks," on the grounds that "There is nothing wrong with the United States except there has been too much rampant, privileged and unbridled license and abuse of the 'right of free speech and free assembly' on the part of radicalists who seek to achieve aggrandizement through the physical overthrow and destruction of our Republican form of government."¹³⁸ The Association declares that "education, the teaching of Americanism, the passage of anti-sedition laws and similar constructive legislation that will curb, imprison or deport the destructionists, and the impartial enforcement of existing laws, Constitutional provisions and the Bill of Rights, will quickly purge the situation of all our principal ills. Radicalism in all forms *must be combated*, 'whether it be masquerading under the stolen name of democracy, hiding behind the skirts of State Socialism, or appearing in the guise of a highly Centralized Bureaucracy as opposed to a Republican form of Government. We must *uphold our established institutions* and fight for the preservation and the maintenance of the existing order of society, the *perpetuation of the rights* of prop-

erty, the *sacredness* of the law and the *inviolableness* of the courts.' " ¹³⁹ The A. E. I. insists that "The time has come for the teacher and the preacher, the business man and the newspaper, and for every one who loves not simply America, but who loves human liberty and civilization, to awaken to the seriousness of the struggle which is now before us in the effort of radicalism to dominate the country." ¹⁴⁰ *

Political Activities.—Legislation and law enforcement inevitably led the Association into politics. The A. E. I. has found it necessary to come to the political support of officials who have been active in strictly maintaining law and order in labor disturbances, or who have participated in the enactment of legislation restricting the activities of labor union agitators. Likewise it has opposed the election of candidates who were union agitators or pronounced union sympathizers. Its political efforts have been remarkably successful. Rarely has defeat come to the candidates or nominees whom it has supported, or victory come to those whom it has opposed. ¹⁴¹ In fact, the men whom the unions oppose and the Association supports, frequently lead all the other successful contestants by large majorities. ¹⁴² "The Associated Employers of Indianapolis has on several previous occasions issued pamphlets dealing with 'The Political Defeat of Union Labor in Indianapolis.' A score of instances have been cited showing that in practically all cases,

* Other illustrations of legislative and political activities are: It has advocated before the State Legislature of Indiana the enactment of a "State Constabulary Bill," and an "Anti-Picketing and Anti-Boycott Bill," similar to the ordinance of Indianapolis. It co-operated with the National Industrial Council in urging U. S. Senators to support the Federal "Anti-Strike Bill on Railroads." It requested President-Elect Harding to appoint as Secretary of Labor a man "who can and will represent *all the people* without prejudice or restraint instead of a minority group or social element bent only upon class distinction and special privileges." It urged others to send similar letters. [D(21)'20 Letter; Ja(28)'21 Letter; Bills themselves; Argument in Support of Senate Bill No. 140.]

candidates for public office whom union leaders indorsed were defeated, while the candidates whom they opposed, and they are many, were elected, usually running far ahead of their ticket.”¹⁴³ In order further to demonstrate how wide-spread is the fact that union labor leaders cannot deliver the labor vote, it calls attention to such instances as that in Detroit, where all labor union candidates were defeated in 1918,¹⁴⁴ and summarizes the situation in the statement that “The man who says he can deliver the ‘labor vote’ is a crook, and the man that believes it is a fool.”¹⁴⁵

“The Association is not a political organization and its officers and members are pledged by Resolution not to participate in politics as an organization except in emergencies,”¹⁴⁶ such as are enumerated above. In 1920, however, it adopted a resolution urging all voters to see that the nominees to be chosen at the primaries were “men of known integrity and ability who stand *four square on the Constitution* against ‘special privilege’ and in defense of true American traditions, ideals and principles in our governmental affairs and in our industrial and public life.”¹⁴⁶ The A. E. I. resolved especially to “call upon all citizens to uphold our established institutions, the perpetuation of the rights of property; the sacredness of the law, and the inviolableness of the courts, and to *militantly oppose any man or organization of men opposed to these principles* and which opposition, in organized form is at the present moment, manifested to a large extent in the collective activities of the American Federation of Labor and its subsidiary unions.”¹⁴⁷ It also resolved “that we support, and urge upon our elected representatives and duly appointed officers of Government, the *enforcement of all laws directed against revolutionary and un-American activities*, whether in individual or collective form, and we call upon our citizens generally to study for themselves and inculcate in others, the doctrines of the Constitution of the United States, the traditions of the

country and the principles and liberties handed down to us from our forefathers, in order that we may immediately return to paths of *safety* and *sanity*.”¹⁴⁸ Moreover, it resolved to oppose socialism in any form and under any name. It is, for this reason, antagonistic to the Non-Partisan League, the Marion County Labor Defense League, “the Committee of 48, the Farmer-Labor Party, and similar radical movements.”¹⁴⁹

Patriotic Activities.—In addition to its other activities relating to governmental affairs, the Association has engaged, especially during the war, in “patriotic activities.” It mailed out important notices to its extensive mailing list for the U. S. Marshall, the Department of Justice, the Treasury Department, the Bureau of Internal Revenue, the U. S. Navy, the Ordinance Bureau, the War Industries Board, the Department of Labor, and the Department of Commerce. It co-operated with the War Chest, the U. S. Food Administration, the War Camp Community Service, “and other patriotic agencies.”¹⁵⁰ It aided in Liberty Loan drives, directly and indirectly. It helped employers promote the sale of Liberty Bonds among their employees. It encouraged the formation of Thrift Clubs. It subscribed for Liberty Bonds out of its own funds. It supported the Red Cross drives for membership and contributions. It took part in the distribution of forms for income taxes, and in the collection of information at the source of incomes.¹⁵⁰ It sent out to employers a notice of regulations relating to the excise tax on the employment of child labor.¹⁵¹ It circulated an announcement of employment management courses.¹⁵² It aided the Government in obtaining machinists for the “workshops of Uncle Sam.”¹⁵³ It engaged in a publicity campaign to induce workers near Indianapolis to come to that city to work on war materials;¹⁵⁴ also in a campaign to “keep labor at home” except for ship-building during the War.¹⁵⁵ It issued a leaflet telling “How American Me-

chanics Can Win the War," by not striking, but by giving "their full time and maximum production."¹⁵⁶ In another leaflet "Concerning Labor's Loyalty," the A. E. I. questioned the loyalty of union leaders because they incited war-time strikes.¹⁵⁷ It had its share in the passage of an ordinance against loafing during wartime, and it circulated the "Work or Fight Order" in poster form.¹⁵⁸ It sent out to employers a notice of the provisions of the selective service draft regulations relating to the exemption of workmen necessary to essential industries, and urged employers to use care and much discretion in choosing men to be exempted.¹⁵⁹ It also contributed to the efficiency of the workers by insisting that during the epidemic "Flu Masks Must Be Worn."¹⁶⁰ It requested employers to attend a meeting called to explain the U. S. Employment Service and urged them to co-operate with that Service.¹⁶¹ It also appealed for funds to help support an advertising campaign of that Service.¹⁶² It issued a leaflet on the findings of the National War Labor Board that coercive measures of any sort must not be used to compel persons to join a union or to force employers to bargain with the unions.¹⁶³ It also circulated "President Wilson's Warning to Bridgeport Strikers" that they would be blacklisted and their exemption from military service revoked unless they returned to work.¹⁶⁴ It distributed the protest of the munition manufacturers of Hartford, Conn., against the recommendation of the National War Labor Board in regard to union demands in the Smith and Wesson Company Case.¹⁶⁵ It has set forth the "Status Quo Basis," and the "Principles and Practices" of the National War Labor Board, also the "Government's Position on the Open Shop."¹⁶⁶

The Association engages in "educational work" to a nation-wide extent. Its theory of "educational work" is that, "It is a mistake to wait until trouble comes and then try to invoke public opinion."¹⁶⁷ It states that, "It has always

recognized that a *wholesome public sentiment*, and a clear understanding of the equitable labor relationship between employer and employee, is *just as necessary* to the welfare and progress, and the industrial and commercial stability and tranquillity of this community, as the '*maintenance of the national interest*,' was to the winning of the War." ¹⁶⁸

The Association's "Educational Work" has influenced public opinion in Indianapolis and throughout the nation. The Association is confident that it "has been a potent factor" "in the molding of a healthful public sentiment." ¹⁶⁹ "It has distributed millions of pieces of educational and instructive literature, not only to its mailing list of 3000 business men and employers of labor, but also to public and professional men, clergymen and officers in public service in Federal, State, County and Municipal Government." ¹⁷⁰ Nor is its "educational work" limited to printed material. Its officers, notably its Secretary, Mr. A. J. Allen, have, in addition to writing many articles on the open shop, delivered a number of addresses in many cities on labor matters. ¹⁷¹ The Association estimates that its "educational work" has been worth to the community "many times over the time, effort and expense that it has cost the Association." ¹⁷² It is convinced that "the industrial tranquillity" which the city has enjoyed is due "in no small degree, to this very essential work, which has resulted in the molding of an intelligent public opinion in industrial matters." ¹⁷³

Literature Circulated; Extent; Illustrations.—The literature circulated by the A. E. I. is varied as well as extensive, but no one piece is bulky. The list is too long to enumerate at this place. A few titles will illustrate the range of the leaflets, pamphlets and other circulars that have been issued: "What Ails Us" is an address delivered at the Association's Annual Meeting by B. F. Harris on the causes and solution of the present unrest. "Labor and Liberty" is a speech by Albert J. Beveridge attacking organized labor

for its assault on American traditions and established institutions. "The Manual of Americanism" by A. J. Allen is also distributed. There are booklets and leaflets, such as Forbes: "Teamwork," and "Playing the Game," and Boetcker: "The Woman in the Case." Discussions of the relation of high wages to high prices appear in "Money Wages vs. Real Wages," "Wages and the H. C. L.," and "Where Will It All End?" It mailed out a printed letter of Congressman J. Stanley Webster to Samuel Gompers on illegal strikes. It called attention to national attempts by the unions to meet the swing of the nation to the open shop, in "Union Leaders Organize to Oppose Open Shop." It set forth American traditions in "Gems of Thought on Law and Liberty."¹⁷⁴ It has sent employers and employees thousands of copies of such booklets as "The Open Shop Primer" by Jacob Nathan and "Closed Shop Unionism." It has issued reprints that deal with practically every phase of the Association's activities, and which discuss almost every vital question in industrial relations. During the past year alone, the Association distributed 1,500,000 pieces of literature bearing on the open shop. It has a mailing list of 3000 persons, firms, corporations and associations.¹⁷⁵ "It sends its messages to all those who could be expected to entertain fair and sympathetic views toward labor, the clergymen, educators, lawyers, judges, students, public officials, professional men, employers and employees alike."¹⁷⁶ *

* During a two-months period in 1921, the A. E. I. circulated the following literature: "Social Justice vs. Closed Shop Misleadership," "The 'Open Shop' the Only Safe Road for the Country," "Why the Open Shop Campaign is Successful," "Capital vs. Labor Conflict Near Crisis," "The Great Open Shop 'Conspiracy,'" "Grafting Union Officials Must Be Eliminated," "The Opportunity to Hold Labor's Good Will," "Mistakes of the Interchurch Steel Report," "A Reply to the Charge of the Federal Council of Churches of Christ in America," "Anti-Picketing and Anti-Boycott Bill," "A Bill to Prohibit Picketing and Boycotting," "Argument in Support of Senate Bill No. 140," "State Constabulary Bill," "Open Shop Bulletin No. 3" of the National Asso-

The following quotation indicates the extent to which the Association attempts to influence, for instance, official opinion:

"In addition to business firms, etc., our list embraces *Federal officials*, such as Judges, District Attorney, U. S. Marshall, Revenue Collector, Department of Justice, Postmaster, etc.; *all State officers*, including Gov. James P. Goodrich, Appellate and Supreme Court Judges, Attorney General, State Draft Executives, Local Draft and Legal Advisory Boards, etc.; *County officials*, including Circuit, Superior and Criminal Court Judges, Prosecuting Attorney, Justices of the Peace, Sheriff, etc.; *City officials*, including the Mayor, Department of Safety, Chief of Police, City Court Judge, City Councilmen, some ranking police officers, etc.; also some clergymen and professional men; and all the more important local civic and commercial bodies."¹⁷⁷

Interrelations; Evolution.—Its "educational work" has brought it into close relations with associations throughout the United States, and to a large extent has contributed to its national significance. The development of its interrelations is one of the most interesting phases of its evolution. The Association was organized in January, 1904, and grew out of the conditions that called the Citizens' Industrial Association of America into existence. It was then known as the Employers' Association of Indianapolis. That its growth was rapid is evidenced by the facts that, (1) within two months after its formation, it had ten or more delegates to the adjourned session of the first annual convention of the C. I. A. A., (2) it was represented on the committee on the revision of the constitution of the C. I. A. A., and (3) one or more of its delegates addressed the convention.¹⁷⁸ In 1913, it formed the Commercial Vehicle Pro-

ciation of Manufacturers, an issue of *The Shield*, which contained much open-shop news and comment, and a booklet on strike insurance, "A New Asset for Industry," issued by the Employers' Mutual Insurance and Service Company. [Booklets and leaflets themselves.]

tective Association to combat the teamsters' strike, and in 1914, absorbed this auxiliary organization completely. With the re-organization and expansion, its name was changed to that it now bears.¹⁷⁹ The A. E. I. has been linked up with the Indianapolis Branch of the National Metal Trades Association, and the Foundrymen's Association of Indianapolis in various activities.¹⁸⁰ Mr. A. J. Allen has served as Secretary of the Foundrymen's Association and the Indianapolis Branch of the N. M. T. A. for many years,¹⁸¹ and the A. E. I. has been more vigorous than ever since he became its secretary a few years ago. He has developed especially the "educational work" of the Association, and has co-operated very extensively with other associations in this work.

The A. E. I. has circulated material of or about other associations. It sent out a reprint of the open-shop advertisements of the Manufacturers and Employers' Association of San Diego. There were thirty-four of these and they ranged from an eighth of a page to an entire page. They set forth many strong arguments for the open shop. The open-shop advertisements of the Employers' Association of Louisville, Kentucky, were likewise reprinted and circulated, and an article from *Industry* was reprinted which told how that association conducted its advertising campaign for the open shop. It has asked all open-shop organizations to send to it a complete set of all newspaper advertisements published in their open-shop educational campaigns.¹⁸² It has given short expositions on how other associations function in securing and maintaining the open shop, for instance, the Employers' Association of Denver.¹⁸³ It has given publicity suggestions to other associations on how to promote the open shop.¹⁸⁴ It has published the open-shop resolutions of other associations.¹⁸⁵ It has mailed out the "Hours of Work" pamphlet of the National Industrial Conference Board.¹⁸⁶ It has circulated copies of *The Employer*,

The Iron Trade Review, *The Open Shop Review*, and other trade and industrial publications,¹⁸⁷ and reprints, for instance, of the *Michigan Manufacturer and Financial Record*, the official organ of the Michigan Manufacturers' Association, a reprint which attacked the A. F. of L. as unpatriotic during the war, and which thus furnished material for other open-shop associations to use to check union agitation. It has disseminated open shop information through the medium also of "The Open Shop Folder" of the Open Shop Association of Beaumont, Texas.¹⁸⁸ It has likewise used its mailing list to circulate leaflets and pamphlets of the National Association of Owners of Railroad Securities, of the American Service League, and of the National Security League, "the National Industrial Conference Board, the National Erectors' Association, the National Metal Trades Association, the National Founders' Association, and similar national organizations."¹⁸⁹

Co-operation.—The A. E. I. has kept in close touch with about a thousand local, state and national associations in commercial, financial and industrial fields. It has done this through correspondence, bulletins, reports and personal contact.¹⁹⁰ Its Secretary, Mr. A. J. Allen, attends meetings of other associations, also conferences of association secretaries.¹⁹¹ It receives and answers many letters of inquiry in regard to organization work.¹⁹² Secretary Allen is called upon frequently to aid other cities in organizing associations.¹⁹³ The A. E. I. sends out notices of "secretaries wanted," also of other association officials desired by some new association.¹⁹⁴ It requests other associations to send copies of their constitutions and by-laws to associations in the process of formation.¹⁹⁵ It suggests to association officials that they should send words of encouragement to newly-formed associations,¹⁹⁶ and "strives to promote acquaintance and co-operation among all industrial associations throughout the country."¹⁹⁷

In order further to expand this work the A. E. I. has compiled a comprehensive list of the open-shop employers' associations of the nation.¹⁹⁸ It has "undertaken the effort to link together the employers' associations and the commercial organizations that favor the 'American plan of employment,' so as to form a national federation of these associations, for the purpose of discussing labor problems, exchanging views and experiences in local matters."¹⁹⁹ This new organization is to function as a formal "clearing house" for open-shop associations.²⁰⁰ The Association has exposed "so-called open-shop organizers who sought to commercialize the open-shop movement, for financial gain, rather than to co-ordinate it unselfishly with no thought or expectation of gain or reward."²⁰¹

Promoting Federation.— In its proposal to co-ordinate the efforts of existing and future open-shop associations, the A. E. I. has suggested possible names, and has canvassed the various associations for an expression of sentiment on the matter. The new federation is not designed to supplant the local organizations in their efforts in behalf of the open shop, but rather to give them help, counsel and advice when needed or desired. A weekly digest of news of importance to the associations is proposed.²⁰²

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CHAPTER XV

SUMMARY AND CONCLUSIONS

FROM the associations previously discussed in detail and those noted incidentally, we may draw certain conclusions applicable to a great number of associations, if not to all of them. The points will be taken up in somewhat the same order that they were taken up in case of the individual associations.

Names.—The organizations of employers are generally called associations, although there are prominent exceptions, such as the United Typothetæ of America, the National Civic Federation, the National Industrial Council, and the National Industrial Conference Board. There is a variation of the term association, in the names of such associations as the Associated Employers of Illinois, the Associated Employers of Missouri, and the Associated Employers of Indianapolis. Formerly, many organizations were called alliances and leagues, but as most of the citizens' alliances have become defunct, the former name is now little used. Thus, the word association in the title of an organization, or its absence, is not a sure test as to whether the organization is an employers' association, for there are organizations that are not employers' associations which have "association" as part of their titles—a few labor unions furnish instances—just as there are employers' associations that do not use the word association in their names.

Territory.—The territory covered by an association

varies from the North American Continent to a small town or part of a city. There are many factors which determine the territory covered by an association. Among these are the character of the trade or industry, such as the amount of capital required, whether skilled workers are needed or not, and whether the products can easily be transported. An association tends to conform roughly to the competitive area of the trade or industry, and to correspond somewhat to the trade or industrial lines of organization by the unions with which it deals or which it opposes. The early associations were confined to a city, but with the widening of the market, they extended their territory to cover the cities in which the products of the trade or industry were produced. Specialization of trades has caused trade associations to cover the specialized field, as in the building industry, where there are specialized trade associations affiliated with a general association.

The Number of Members in an Association varies widely and of itself does not furnish an accurate indication of the strength of the association. For instance, the National Erectors' Association is a very powerful association, yet it has only about 50 members, while some of the trade associations have thousands of members but are of much less importance in industrial relations. Not a few so-called trusts are members of associations. The International Harvester Company, the General Electric Company, the Rumely Company, the Otis Elevator Company, the National Cash Register Company, many of the subsidiaries of the United States Steel Corporation, and other so-called trusts are to be found in the membership lists of associations. Membership figures given out by the associations are sometimes greatly exaggerated, and must be taken only as a very inaccurate statement of the maximum number during prosperous periods. The number of members varies greatly with prosperity and strikes and with busi-

ness depressions, being large in the former, and small relatively in the latter. A better index to the strength of an association is the proportion of all firms eligible to membership to those who are members. But the best indication of strength of an association in any trade or industry is the proportion of all the products of that trade or industry manufactured by members of the association. But none of the tests can accurately indicate the comparative strength of two associations in different fields. All of these figures are helpful, but must be supplemented by an evaluation of the activities of the association before its actual strength can be determined.

The Qualifications for Membership in an association depend to a great extent upon the actual purposes of the organization. Belligerent associations of a propaganda character seem to be willing to admit to membership nearly any person or concern that concurs in their principles; usually they provide for such members by creating a class of members called associate or contributory members. Mediator associations usually open their membership to anyone who wishes to join. But the belligerent associations that combat strikes limit their membership to concerns that so conduct themselves as not to be troubled with strikes a greater part of the time. The negotiatory associations likewise do not want in their membership the concerns that are continually having trouble with their workmen. Yet it is rare that these qualifications are stated in the constitutions of the associations. The stated qualifications are usually ones that limit membership to the trade or industry of the association, or to employers who employ certain classes of workmen. In such associations as the League for Industrial Rights such qualifications are not possible; the membership is open generally to those who are opposed to the use of the boycott in labor matters, or more recently, who believe in the open shop. The active mem-

bership in this Association is limited in practice to employers, and employers' associations.

The Objects of the Associations are frequently stated in such general terms that their specific purpose in labor matters is not indicated. Especially is this true in the case of associations that deal with a number of other matters than labor questions. The National Civic Federation has a very indefinite statement of objects so far as the labor question is concerned. There is nothing in the stated objects of the National Association of Box Manufacturers to indicate that it would oppose labor legislation. In contrast to such associations, the League for Industrial Rights, for instance, has definite objects. Thus the stated objects of the associations are not always a key to their actual purposes and activities. The explanation for this lies largely in the wide scope of activities that the association undertakes or might wish to undertake. General terms can be interpreted to include all the various purposes and thus save a long enumeration.

This lack of definiteness in statements of purposes is usually supplied by either declarations of principles or policy, adopted formally by the association or set forth by its leaders. The formal declarations of principles are usually belligerent in nature although adopted by an association that may or may not be predominantly belligerent. For instance, the declaration of principles of the Stove Founders' National Defense Association is belligerent in tone, yet the Association is negotiatory. When an association feels compelled to state its position definitely, there is usually a conflict impending between it and a labor union. The association accordingly is in a belligerent temper. If the leaders, in attempting to explain the purposes of their association, make statements as to its principles or policy, the declarations may be belligerent, negotiatory or mediatory. It is to such statements of the leaders of the

National Civic Federation that one must go in order to find out its purpose. Nor is the full extent of the belligerency of an association always expressed in a formal declaration of principles; the utterances of its leaders must also be considered. The National Association of Manufacturers furnishes an excellent illustration of such a situation.

The Government of the Associations, no matter under what guise, is in the hands of a few leaders. The government of associations is much like that of corporations, dominated by a few who choose what may be styled the board of directors, who, in turn, select the executive head under various titles. Some associations retain a greater degree of democracy than others by the use of the referendum on certain measures. It is characteristically the belief of association leaders that democracy does not conduce to efficiency.

The Funds of Associations are derived in the main from dues. The belligerent associations that combat strikes usually levy an assessment based on the mechanical payroll, although the National Erectors' Association is an exception, since its basis for assessment is the tonnage produced and erected. The building-industry associations, although negotiatory, levy on the amount of money called for in the contracts of their members, since they frequently combat strikes and need considerable money for this purpose. All associations, whether belligerent or negotiatory, that have occasion to combat strikes, levy assessments on some such bases as the foregoing. The League for Industrial Rights also levies assessments, since its expenditures at times may become heavier than ordinary. The propaganda associations usually have yearly dues; for instance, the annual dues of a member of the National Association of Manufacturers is \$50. However, the National Civic Federation levies no fixed dues or assessments. This Federation follows the rule for mediatory associations and de-

pend upon voluntary contributions of persons who are interested in the particular activity that the association is performing.

Obligations.—Associations that have to contend with strikes, usually bind their members to the organization in a pecuniary way, as well as by a pledge or agreement. The older method was to exact bonds from all members, and a failure to comply with the rules, regulations and orders of the association caused the bond to be forfeited to the association. Undated notes of members were sometimes used. The newer method is to assess dues so large as to provide for a reserve fund. Members who are expelled from the association lose all their rights in this fund. Since, in a number of cases, the average amount in the fund for each member is several thousand dollars, the member is bound by the installment deposits that he has made to it.

Activities.—The activities of the various associations are so varied that no summarization can do them justice. They may, of course, be grouped roughly into belligerent, negotiatory and mediatory activities. The belligerent association may fight the union in actual battles with machine guns; it may oppose the union in legislative and political matters; it may combat all union strikes; it may carry on a continual propaganda against the union in every particular or only against certain practices of the union; it may effectively blacklist all union members by means of a card-index system; it may attempt to destroy all the sentimental appeal in the betterment activities of the union by doing welfare work; or it may combine a few or all of these activities in its general campaign against the union. The secret-service system used by belligerent associations and condemned so strongly by the unions is characteristic of two warring forces, as are most of the other activities whenever the contest becomes fierce. The negotiatory association, while it remains such and does not combat strikes,

has fewer activities than a belligerent association. The officials of a negotiatory association, however, may be just as busy as those of a belligerent association. The former officials may be continually called into conference or be before arbitration boards in an attempt to avert strikes or settle other controversies, such as jurisdictional disputes. But the activities of mediatory associations may be as few as those of a citizens' committee gathered together to prevent a strike, or as extensive as those of the National Civic Federation. In the former case, the union and the association may be called upon to make statements each of his side of the case, and the committee may pass upon the justness of these claims and publish its conclusions, and then disband. In the case of the National Civic Federation, as we have seen, the activities varied from actual mediation to a propaganda against socialism.

The Interrelations of the associations are so complex that in no case were all the various interrelations of an association presented in the foregoing pages. Among the various ways by which one association may be related to another are the following means and methods: (1) by direct affiliation, (2) by affiliation with another association directly affiliated to a third association — such as a local association affiliated with a state association which is affiliated to a national association, (3) through conference boards, (4) by a number of officers in common, (5) by a number of members in common, (6) through joint committees, (7) through contributions, (8) through addresses of the leader of one association before meetings of another, (9) through correspondence giving information and advice or other assistance, (10) through recognition of a common cause such as in opposing labor legislation or the election of certain public officials, (11) through endorsement of one association or some of its activities by another, (12) by distributing literature published by another association,

(13) through visiting commissions, and (14) by informal conferences.

Conclusions.— In the foregoing pages, inferences and conclusions have been drawn, and we shall now bring together a number of these, in order to show their relation to the conflict generally. These conclusions are, of course, subject to modification with changes in the conflict.

There is much that is confidential or secret about associations. In the conflict, one must not let one's opponent know in advance one's plans or proposed methods, nor one's real fighting strength, unless that is so great as to intimidate one's opponent. For this reason, much of the work of the associations is conducted secretly. In some cases, lists of members are not made public because some of the employers fear that the union may single them out and punish them. It also permits an employer apparently to be friendly to the union, because he dares not fight it openly, yet to fight it secretly. Then there are doubtful practices which the association engaging in them, does not wish to be made public. Illegal activities are of the latter sort.

As suggested above, a study of the various types shows that the associations have not yet reached a consensus of opinion on the many issues involved, nor have they accepted a common purpose that will enable all of them to work together for the accomplishment of that purpose. As to methods of accomplishing their purposes, so far apart are some of the associations that they are as hostile to one another as are the belligerent associations to the unions. If there be any one common purpose among the associations, it is the desire to have industrial peace and maintain the present system of private property, but the disagreement as to how that shall best be done — the various forms and methods — makes a study of the various types of associations necessary to an understanding of the vital features of the problem.

We have noted that there is a confusion of membership in associations,—that one firm will have representation in the membership of two associations with practically opposing theories or principles. The firm that does this finds it is advisable to govern itself largely by the conditions that dominate in the various trades that it covers, in one trade to deal with the union, and in another to fight the unions, the difference may lie in the character of the two unions. It may lie rather in the character of the trade itself, whether it is monopolistic, or the time element very important; highly skilled workers may be required in one trade but not in another. Of course, that employer's attitude cannot be explained on the basis of association theories, or principles,—his only concern is the profits, not the abstract right to run his business without outside interference. He does not object very strenuously to the outside interference, *if it can be made to pay*. As we have seen, the underlying philosophy of the associations and employers, whether belligerent, negotiatory or mediatory, is fundamentally the same; for an excellent illustration of this, we need take only the mediatory National Civic Federation and the belligerent National Association of Manufacturers, both of which hold to a "natural-rights" philosophy of property rights and all that it implies. If this is the case then, one may properly ask why are some associations negotiatory or mediatory while others are belligerent?

Associations are negotiatory wherever the unions hold the strategic position or are of strategic advantage to the employer. The newspapers are negotiatory largely because the unions occupy a strategic position; the newspaper must appear regularly and in a very short time, and this appearance depends upon workmen who are skilled and accordingly well organized. Book publishers are usually belligerent, since the time element is not so important. There are book and job publishers who are negotiatory because they

wish to use the union label in their business, upon such matters as campaign material or political documents. It is the value of the union label upon working garments that causes the Union-Made Garment Manufacturers' Association to be negotiatory. The union may often be used to further the interests of the employer in lessening or preventing competition. Combination associations are usually negotiatory, that is, associations which combine to fix prices, often find the union of service in maintaining those prices by keeping down the competition of outsiders. This seems to be the case with the negotiatory associations in the coal industry, the building industry, and the stove industry, and perhaps in the clothing industry. The competitive area often varies greatly in an industry, such as the printing industry. The newspapers are not nationally competitive to any considerable degree, while the book publishing business is highly so. Hence we find both belligerent and negotiatory associations in the same industry. The newspapers seem to prefer individual agreements (local), while such book publishers as deal with the unions, apparently prefer national agreements. Wherever unions are powerful or made up of highly skilled workers, there is a tendency for monopoly when regulated to combine with the unions to resist further regulation. Graft is more prevalent among negotiatory associations than belligerent ones. The lockout is predominantly used by the negotiatory associations; in fact, it forms one of their most powerful weapons.

Evolution in Types and Activities.—The association movement is evolving as the conditions of the conflict change. Old associations are changing in form and taking on new functions. New associations are being formed to perform special functions as the need arises for such. Failure to secure the object desired in the industrial field has led associations to undertake activities in

other fields, or their success in the industrial field has caused the unions to attempt other activities that the associations have needed to meet. Strikes have led to litigation largely by the employer, and the success of the employers in the courts has caused the unions to seek legislation to counteract such successes. This has caused the associations to take up legislative activities, and the conflict there has resulted in the rival forces going into politics. Litigation over labor matters is itself old, as is legislative or political activity on the part of employers as individuals. But the conduct of such activities has never before been carried on systematically by formal and permanent associations of employers. Litigation is almost the usual outcome of serious business trouble, since the business man tends to seek a lawyer for advice in such difficulties. To avoid litigation, some negotiatory associations do not permit a lawyer to have any part in the attempt at negotiation or arbitration. Belligerent associations, on the other hand, condemn lawyers for too many laws, and for vague, uncertain and restrictive ones. The unions have also forced the associations into the field of welfare work. The associations have taken up this work in order to offset the great appeal of public sentiment for the unions on the ground that they are working to better the conditions of laborers.

Relation of Prosperity to Activities.—Associations tend to become strong during labor troubles or when there is threatened labor legislation, or political contests involving such legislation. Likewise, they tend to disintegrate during periods of peace. Or stated in other terms, associations flourish in periods of prosperity when there is great business activity and labor is scarce, and languish in periods of depression when business is at a low ebb and the labor supply plentiful or the market overstocked.

Outlook for Solution.—As to a solution of the conflict, from a study of the leading and typical associations of em-

ployers in the various industries in the United States, we must conclude that no immediate or prospective solution is evident. Strong rival organizations threaten war, rather than peace. The conflict has widened to the nation in many industries, and in some has become international. Associations now co-operate across the seas. The changing character of the conflict is reflected in the changes in the character and activities of the associations. The change in the National Metal Trades Association, in the National Founders' Association, and the National Erectors' Association from negotiatory associations to belligerent ones is only partly indicative of the general evolution. The same may be said of the development of the National Association of Manufacturers into a belligerent organization from a body that dealt with labor matters only in an indirect manner. No one association can be said to epitomize the general tendencies of the association movement. Even the mediatory associations reflect the growing belligerency. For instance, the National Civic Federation set as its task the settling and preventing of strikes by negotiation and voluntary arbitration, but its lack of success in recent years has caused it to widen its activities to many fields, such as legislation and welfare work.

Confusion of Issues.—As in every serious conflict, much confusion of issues prevails. There is, for instance, no agreement as to the real issues that caused a break between unions and associations in the instances where relations have been broken off. Each side makes charges and counter-charges, claims and counter-claims. The issues are clouded by the "educational literature" of the opposing sides. For instance, the associations contend that the unions are making war upon nonunion labor and only incidentally upon the employer. The unions denounce the open-shop movement as an attempt to crush the unions. There is confusion over the merits of various systems of

wage payments, over the real purpose of the "eight-hour day," in fact, over every important point in the whole controversy.

The Issue of "Unionism."—None of these issues seems to be more confused than the question of "unionism." There is much discussion about "good unionism" and "bad unionism," or the "good elements in unionism" versus the "bad elements." Most employers say they "do not object any more to the organization of workers in labor unions than to the organization of manufacturers in manufacturers' associations or bankers in bankers' associations," but that they "are opposed to certain activities of labor unions that to the objector seem to be based neither on sound economics nor on sound social philosophy but on coercion and force." * Union leaders, on the other hand, attempt almost entirely to justify "unionism" on an idealistic basis. But "unionism" as an ideal and as a reality are not identical. The unions, while pleading not guilty to the charges of coercion and force and other evil practices, apparently cannot place their activities on a "sound economic basis" or make their coercive and unlawful actions a constituent part of a "sound social philosophy." True, they have attempted to build up a system of economics and a social philosophy of their own, but neither of these has become the accepted doctrine of the day.

Again, we meet confusion in regard to the term, as well as the application of "collective bargaining." Prominent association officials have contended that bargaining by union officials is not collective bargaining, but delegated bargaining. "*Collective bargaining*" is undoubtedly the heart of present-day "unionism." Aside from a few cases other than conspiracies between employers and unions to

* The failure to give a reference in this case is not an oversight, nor is the quotation an imaginary one, or by an insignificant person in the association movement.

monopolize trades and industries and so control prices to the detriment of the consumers, "collective bargaining" cannot take place except through "coercion and force." In a competitive field, it is the exceptional employer * who will deal with union officials unless *he is forced to do so* through threats of a strike if not through an actual strike, or other coercive tactics. In a field, however, where the union is of great value to the employer in aiding him to control trade conditions, and in this manner, add to his profits, he voluntarily deals with the union as a means to that end. None of these conditions seems to be desirable or permanent for all industries.

The Conflict Should Be Controlled.—It is then fairly evident that some steps must be taken to place the conflict under control, whether that shall be done by one of the rival groups, or by the people acting through their government. Industrial and financial developments indicate that the conflict will be conducted on a continually enlarging scale, intermittently in all probability it seems, and probably with increasing intensity. If the organizations of workmen should ultimately control, there would be, in time, a new order of society. If the organizations of employers should become strong enough to control unionism, the problem would probably be shifted largely to the political arena, but whether it would be a more peaceful one, is not an easy matter to reason out by an analysis of present indications. In such an event, however, the problem of governmental control would become more acute, and at a very time it would seem when people might fear even more than now any extension of governmental control as disastrous.

Compulsory Arbitration is undoubtedly the most dis-

* For an explanation why the employer does not wish to deal with union officials, see *Introduction*, under Handicaps of the Independent Employer.

cussed method of governmental control of the conflict. Compulsory arbitration is being tried out to-day by the state of Kansas under the name of an industrial court. The growth of compulsory arbitration will unquestionably throw the conflict still more into the political arena. Compulsory arbitration will undoubtedly grow unless checked by a long period of depression and continued unemployment of a large number of workers. When unemployment is great, the number and magnitude of strikes are greatly lessened, and the conflict seems to be solved. The decrees of an industrial court are easily enforced when men are plentiful and jobs are scarce.

During periods of inflation and prosperity, however, strikes and other labor troubles will again become frequent, if we may judge the future on the basis of the past. That is, they will become frequent unless restrained by the government. But when the demand for labor is great and the supply inadequate, the workers can practice "striking on the job," or can and will leave, one by one, their old jobs that are unsatisfactory for new and better jobs. They may "strike on the job" either by loafing on the job in some manner, or practice sabotage in some of its insidious forms. Under such conditions, the decrees of an industrial court are difficult to enforce.

All of this is merely saying in other words that during periods of great prosperity and large profits, the workers come in time to hold the strategic position, but ere they can consolidate and confirm their gains, a depression comes to break up their forces. Alternate periods of great prosperity and deep depressions are prolific breeders of social unrest. Clearly, then, a stabilization of financial and industrial conditions during seasonal periods, and especially over long periods of time, will do much to lessen the intensity of the conflict; the contrary to accentuate it. Such a stabilization would do much to remove the real causes

for unrest. With the growing financial control of industry, the problem is becoming to a greater extent one to perplex the financiers more and more. Although augmented in social significance, the labor problem is increasingly taking on a different aspect because of its financial involvements. It must be met by the financiers or it will wreck the present economic system.

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